

the Commissioners of the District of Columbia, and the Director of Procurement to acquire motor-propelled passenger-carrying vehicles necessary for the successful prosecution of the present war; without amendment (Rept. No. 2585). Referred to the House Calendar.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on World War Veterans' Legislation was discharged from the consideration of the bill (H. R. 7705) for the relief of James E. Savage, and the same was referred to the Committee on Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DIRKSEN:

H. R. 7721. A bill to expand the facilities of the General Accounting Office by creating therein a Federal Efficiency Service; to the Committee on Expenditures in the Executive Departments.

By Mr. WHITE:

H. R. 7722. A bill to amend the act approved May 27, 1937, chapter 269 (50 Stat. 208), by providing substitute and additional authority for the prevention of speculation in lands of the Columbia Basin project and substitute an additional authority related to the settlement and development of the project, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. CELLER:

H. R. 7723. A bill to authorize the use for war purposes of silver held or owned by the United States; to the Committee on Ways and Means.

By Mr. KEFAUVER:

H. R. 7724. A bill relating to the original jurisdiction of courts of suits or proceedings arising under section 20 (11), 20 (12), 219, or 413 of the Interstate Commerce Act, as amended, and to the removal of such suits and proceedings from State courts; to the Committee on the Judiciary.

By Mr. WICKERSHAM:

H. J. Res. 352. Joint resolution proposing an amendment to the Constitution of the United States to permit persons 18 years of age to vote in all elections for Federal officers; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MARCANTONIO introduced a bill (H. R. 7725) for the relief of Dolores Forquet Fernandez, which was referred to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3373. By Mr. ROLPH: Resolution of the California State Federation of Labor supporting postal legislation, House bill 7404, for appointment of substitute clerks to regular clerkships in the Postal Service; to the Committee on the Post Office and Post Roads.

3374. Also, resolution of the California State Federation of Labor, at its forty-third annual convention, that Congress be petitioned to pay a reasonable amount of money to all people who have been disabled in the service of their country to the extent that they will be allowed to completely rehabilitate themselves; to the Committee on Military Affairs.

SENATE

MONDAY, OCTOBER 19, 1942

(Legislative day of Thursday, October 15, 1942)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hid, cleanse the thoughts of our hearts by the inspiration of Thy Holy Spirit, that we may perfectly love Thee, and worthily magnify Thy Holy Name. Give, we beseech Thee, to these servants of the commonwealth clear vision, clean hands, and pure hearts as, facing great tasks and grave responsibilities, they ascend this holy hill of the Nation's life. In this age on ages telling, steady our purpose to give the best that is in us—body, mind, and spirit—to the right that needs assistance, against the wrong that needs resistance, to the future in the distance and the good that we may do. Grant us to pass this day in glad service and in inner peace, without stumbling and without stain. Amen.

NAMING A PRESIDING OFFICER

The Secretary (Edwin A. Halsey) read the following letter:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., October 19, 1942.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. A. B. CHANDLER, a Senator from the State of Kentucky, to perform the duties of the Chair during my absence.

CARTER GLASS,
President pro tempore.

Mr. CHANDLER thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, October 15, 1942, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT— APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, who also announced that the President had approved and signed the following acts:

On October 14, 1942:

S. 2551. An act for the relief of Vernon Van Zandt.

On October 15, 1942:

S. 174. An act for the relief of Lyle L. Bressler;

S. 2203. An act for the relief of Bayard M. Atwood; and

S. 2264. An act conferring jurisdiction upon the United States District Court for the District of Connecticut to hear, determine, and render judgment upon the claim of James H. Lane.

On October 16, 1942:

S. 1853. An act for the relief of the Rock Hill Stone & Gravel Co., of St. Louis, Mo.; and

S. 2273. An act for the relief of Ruth D. and Henry L. Brittingham.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its clerks, announced that the House had passed without amendment the bill (S. 2623) authorizing the construction of certain public works in the basin of the Connecticut River for flood control.

The message also announced that the House had agreed to Senate Concurrent Resolution 33, as follows:

Resolved, etc., That there shall be printed 3,500 additional copies of the Senate amendments numbered print of the bill (H. R. 7378) to provide revenue, and for other purposes, of which 1,000 copies shall be for the use of the Senate document room, 1,000 copies for the use of the House document room, 500 copies for the use of the Committee on Ways and Means of the House of Representatives, and 1,000 copies for the use of the Committee on Finance of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2471) to amend the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, as amended, with respect to its application to officers and employees of educational, religious, eleemosynary, philanthropic, and cultural institutions, establishments, and agencies, commonly known as the Hatch Act.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2751) to amend the act entitled "An act to establish a Women's Army Auxiliary Corps for service with the Army of the United States," approved May 14, 1942, to create the grade of field director in such corps, to provide for enrolled grades in such corps comparable to the enlisted grades in the Regular Army, to provide pay and allowances for all members of such corps at the same rates as those payable to members of the Regular Army in corresponding grades, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5503) to authorize the Attorney General to stipulate to the exclusion of certain property from condemnation proceedings.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 7311. An act to amend section 6 of Public Law Numbered 2, Seventy-third Congress, March 20, 1933, as amended;

H. R. 7528. An act to amend the Selective Training and Service Act of 1940 by providing for the extension of liability; and

H. R. 7695. An act to aid in preventing inflation, to stabilize the rents of real property, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 5503) to authorize the Attorney General to stipulate to the exclusion of certain property from condemnation proceedings, and it was signed by Acting President pro tempore.

DANIEL B. LLOYD

Mr. TYDINGS. Mr. President, in October 1877 a young man began his life's work of reporting the debates of the United States Senate. Over an unbroken period of 65 years he has been in daily attendance upon the sessions of the Senate, reporting the debates which have taken place, and today he is the oldest living person associated with this body. That young man is Daniel B. Lloyd, who is here today, with hair whitened but with a good bit of youth in his countenance, still carrying on the work he started to perform many, many years ago.

During that time much has happened to this country. It has seen panics and depressions, periods of prosperity and boom, wars and peace, changes of political parties and administrations, and great debates upon which national interest was focused. In all that time there has been no blemish upon the escutcheon of Daniel B. Lloyd. His service has always been efficient; his service has always been faithful and, with that service, he has combined many delightful qualities of the human sort. In these days he has found a little time to spend in his library in Maryland, and upon his farm, as well as to devote considerable time to his duties here.

I am delighted to take this minute to offer a tribute to such signal and outstanding service, for all of us here in this body know Mr. Lloyd as a gentleman, and a scholar, as a philosopher, and as a friend. We wish for him many, many more years of companionship and association and of service here. We look upon him unofficially as the ninety-seventh Senator and, indeed, he would be an ornament to any legislative body on the face of the earth, either as a member or as an official reporter to take down the debates that members might utter.

Therefore, I add this word, of a personal sort, that I am glad too that he shares citizenship in the famous State of Maryland, for I am proud to claim him as a constituent, and to share with him the duty of representing that State as well as the Nation in this body.

REDUCTION IN NONWAR EXPENDITURES OF THE GOVERNMENT

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Appropriations:

To the Congress of the United States:

In recent months you have demonstrated, through the activities of regular and special committees, a keen interest

in reducing nonwar expenditures of the Federal Government. Undoubtedly reports by the special committees have helped to stimulate the large volume of letters which I have received from citizens in all walks of life. Some of the letters protest against recent cuts in various appropriations. Other letters urge a reduction of Federal expenditure to the amount expended in the fiscal year 1932, and characterize such a reduction as a "Federal contribution toward helping to win the war."

I therefore recently requested that the Director of the Bureau of the Budget prepare a report on just what has happened in the field of nonwar expenditures since I assumed the Presidency. The report is attached.

Inasmuch as total war enlists all our resources, you will recognize the very great difficulties of segregating "war" from "nonwar" expenditures. Moreover, the text in many places can only hint at the extent to which so-called nonwar expenditures are now integrated with the war program.

Nevertheless, it does show the important reductions which have been made without sacrificing humanitarian considerations. In addition, the report should be especially useful in further legislative and administrative consideration of budget policy.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, October 16, 1942.

NOTE.—Original charts accompanied a similar message to the House of Representatives.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

CONTRACTS AWARDED BY THE NAVY DEPARTMENT

A letter from the Acting Secretary of the Navy, transmitting, pursuant to law, monthly reports of contracts awarded by the Navy Department containing the names of persons who consummated the making or concluded the negotiation of any such contract on behalf of the Government, and of persons who participated in the negotiations on behalf of the contractor with reasons for award for negotiated contracts and contracts over \$150,000 for the fiscal year 1942 (with accompanying papers); to the Committee on Naval Affairs.

LAWS ENACTED BY MUNICIPAL COUNCILS AND LEGISLATIVE ASSEMBLY OF THE VIRGIN ISLANDS

Three letters from the Acting Secretary of the Interior, transmitting, pursuant to law, copies of laws enacted by the Municipal Councils of St. Croix, St. Thomas, and St. John, and copies of laws passed by the Municipal Councils and the Legislative Assembly of the Virgin Islands during the fiscal year 1942 (with accompanying papers); to the Committee on Territories and Insular Affairs.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A resolution adopted by the executive board meeting of the American War Mothers

held at St. Paul, Minn., requesting Congress to take drastic action against all strikes, profits in war, inefficiency in office, and curtailment of production; to the Committee on Education and Labor.

PROHIBITION OF LIQUOR SALES AND SUPPRESSION OF VICE AROUND MILITARY CAMPS—PETITION

Mr. EONE. Mr. President, I present a petition signed by 120 citizens of Seattle, Wash., sent to me by Mr. M. E. Rittenhouse, which prays for the enactment of Senate bill 860, to prohibit the sale of alcoholic liquor and to suppress vice in the vicinity of military camps and naval establishments. I ask that the petition be appropriately referred.

The ACTING PRESIDENT pro tempore. The petition will be received and lie on the table.

TAX EXEMPTION FOR MEMBERS OF THE ARMED FORCES—RESOLUTION OF KANSAS STATE COUNCIL OF AMERICAN WAR DADS

Mr. REED. Mr. President, I ask unanimous consent to present for appropriate reference and to have printed in the RECORD a resolution adopted by the Kansas State Council of the American War Dads, of Kansas City, Kans., signed by Arthur J. Stanley, president, and Carl L. Pickell, secretary.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas in the armed forces of the United States men and women are called upon and will be called upon to render to their Government every service to the best of their abilities in defense of our country, and to meet all sacrifices that may be called for; and

Whereas many inequalities of pay exist between those in the armed forces and those employed in the civilian effort to win the war; and

Whereas it becomes increasingly difficult for those serving in the armed forces to maintain their dependents in the ordinary ways of American living; Now, therefore, be it

Resolved, That the American War Dads do request the Congress of the United States to incorporate in the revenue bill now under consideration, a provision allowing an exemption of an additional \$1,000 for the men and women in the armed forces over and above the exemptions provided for civilians; be it further

Resolved, That the commanding officers of the respective armed forces be directed to advise all those affected by the granting of this additional exemption.

Adopted this 15th day of October 1942.

KANSAS STATE COUNCIL OF THE

AMERICAN WAR DADS,

ARTHUR J. STANLEY, President.

CARL L. PICKELL, Secretary.

ELIMINATION OF DESTRUCTIVE TRAFFIC IN ALCOHOL—LETTER FROM ROSEDALE (KANSAS CITY, KANS.) BAPTIST CHURCH

Mr. REED. Mr. President, I ask unanimous consent to present for appropriate reference and to have printed in the RECORD a letter urging the elimination and prohibition of the destructive traffic in alcohol. This letter is signed by Rev. Carlton L. Briggs, pastor, and 22 members of the congregation of the

Rosedale Baptist Church, of Kansas City, Kans.

There being no objection, the letter was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

ROSEDALE BAPTIST CHURCH,
Kansas City, Kans., October 11, 1942.
Senator CLYDE REED,
Senate Office Building,
Washington, D. C.

DEAR SENATOR REED: "Strengthen America" is the watchword of every good citizen today. Alcoholic habits decrease happiness, make us less efficient and multiply our chances of losing this war.

Believing that the chief factors in winning the war are: Food, labor, life—and, conscious of the fact that the use of liquor is wasting all of these, we have a right to demand that the liquor business be abolished.

Believing that the liquor interests waste capital by transferring it from useful interests; waste earnings which might well be diverted to constructive war purposes; waste manpower by utilizing thousands of workers who might better be employed in defense projects; waste foodstuffs by consuming wheat, corn, sugar, fruits; waste human efficiency, thereby lowering the output of industry; waste human life, by being the cause of several commonly fatal diseases, and by shortening the life-span, and by contributing to the cause of time-losing or fatal accidents, seriously lowering man's resistance to disease and recovery—believing all these truths to be self-evident, we feel it our solemn obligation to protest, in this time of national crisis, the unhindered traffic in alcohol.

As our Representative of Government we urge that you do everything within your power to eliminate this useless and destructive traffic in alcohol.

Very truly yours,

ROSEDALE BAPTIST CHURCH.

SHORTAGE OF FARM LABOR—RESOLUTION OF COMMISSIONER OF AGRICULTURE OF NORTH CAROLINA

Mr. BAILEY. Mr. President, I present a resolution signed by the Commissioner of Agriculture of the State of North Carolina, as well as by the Members of the State Board of Agriculture, in which representations of real importance are made to the Congress concerning the acute shortage of farm labor. I call the attention of the Senate to the resolution and ask that it be printed in the RECORD and appropriately referred.

There being no objection, the resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas an acute shortage of farm labor is making it difficult and practically impossible, in many instances, to harvest food-for-victory crops; and

Whereas little if any relief from the shortage of farm labor is apparent to the farmers at this time; and

Whereas valuable labor and irreplaceable materials have been used, at the request of the Federal Government, for the cultivation and growing of essential food and feed crops, many of which have ruined or are ruining in the fields; and

Whereas vital and irreplaceable labor for the farmer has been taken by the armed forces or lured away by more lucrative jobs in industry; and

Whereas an acute food and feed and other crops, necessary for the prosecution of the war, may be faced in 1943, unless immediate

attention is given by the responsible National and State authorities;

Therefore, the State Board of Agriculture in session October 13, 1942, does urgently request the State selective service personnel, the Members of Congress from North Carolina, the members of the various county selective service boards or any others concerned with the manpower problem as it affects the farmers to take the necessary steps immediately to assure the retention of trained and essential farm workers on the farm in order that North Carolina may attain its food-for-victory goals so essential to the successful prosecution of the war.

W. Kerr Scott, commissioner of agriculture, chairman, North Carolina State Board of Agriculture; L. Y. Ballentine, Claude T. Hall, W. I. Bissette, W. G. Hargett, L. L. Burgin, D. R. Noland, Charles F. Cates, Miss Ethel Parker, Lionel Weil, members of the North Carolina State Board of Agriculture.

REDUCTION OF DRAFT AGE LIMIT

Mr. MALONEY. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a telegram which I have received from Dr. C. C. Burlingame, of Hartford, Conn., in which he asks that I place the telegram before the Senate and the appropriate committee. The telegram refers to the drafting of 18- and 19-year-old men, and is signed by a number of prominent physicians. Dr. Burlingame is a leading and prominent physician in my State.

I also ask unanimous consent that immediately following the telegram there be printed a communication appearing in the New York Times, which I am presenting by request also, signed by other prominent physicians, who take exactly the opposite view from that taken by Dr. Burlingame.

There being no objection, the telegram and communication were referred to the Committee on Military Affairs and to be printed in the RECORD, as follows:

HARTFORD, CONN., October 19, 1942.
Hon. FRANCIS T. MALONEY,
United States Senate,
Washington, D. C.

I would appreciate your placing the following material before the proper committee chairman and other authorities because of what seems to me like ill-conceived stand taken by a few psychiatrists: "So much has been said and so much implied about the desirability of drafting 18- and 19-year-old men for military service from the viewpoint of emotional stability that it seems that in the public interests a simple, direct statement should be made on this question. Speaking as individuals, we wish to assure the public and parents of this age group that there are no grounds for apprehension as to the effect of military service on these younger men, as distinguished from the older men. Such statistics as are available indicate that the incidence of mental break-downs is no greater in the 18- and 19-year-age group than in the older group. If anything, it is somewhat less. It would seem to us that the proposal now before the American Congress does not unduly compromise the future mental integrity of this particular age group or of the Nation. With the Government realizing and properly assuming this increased responsibility, we endorse favorable action upon the proposal to include men of 18 and 19 years under the Selective Service Act. (Signed) Adolf Meyer, M. D., professor emeritus of psychiatry, Johns Hopkins University; Dr. C. Macfie Campbell, director, Boston Psychopathic Hospital; Dr. Foster Kennedy, professor of neurology, Cor-

nell University; Dr. C. Charles Burlingame, psychiatrist in chief, Neuropsychiatric Institute; Dr. Edwin G. Zabriskie, professor of clinical neurology, Columbia; Dr. Winfred Overholser, superintendent, St. Elizabeths Hospital, Washington, D. C.; Dr. S. Bernard Wortis, professor psychiatry, New York University; Dr. Tracy Putnam, professor of neurology, Columbia; Dr. Oskar Diethelm, professor of psychiatry, Cornell."

Personal regards.

Dr. C. C. BURLINGAME.

YOUTHFUL DRAFT PROTESTED—GROUP OF PHYSICIANS SEES GREAT HARM IN 18-19 PLAN

To the EDITOR OF THE NEW YORK TIMES:

Your readers are doubtless somewhat familiar with the contents of the bills that have been introduced in Congress which would amend the Selective Service Act to include 18- and 19-year-olds on the same basis as men of 20-45. This proposal raises a serious issue, on which many psychiatrists and other medical men will want to be heard before a decision is made.

We wish at the outset to make it crystal clear that it is not our purpose to obstruct in any way our Nation's war effort. We recognize the increasing pressures of war requirements, to which the President alluded so feelingly in his address to the Nation last Monday evening. Nevertheless, we should not be true to ourselves if we neglect to call attention to certain medical and social consequences that are involved in the indiscriminate drafting of this lower-age group. We are deeply concerned, from the medical point of view, with its effect both on the individual and on society.

Although the time may come when the drafting of this group will be unavoidable, we believe that they should be reserved as long as possible and employed on the farms and in other alternative service until they are absolutely required for combat service.

EMOTIONALLY IMMATURE

Boys of 18 and 19 years of age are, in a large percentage of cases, emotionally immature. They have had fewer years in which to show clues to their instabilities and disqualifications. In fact, it is these particular years that have proved especially important in the evaluation of older groups. Consequently there is bound to be an undue proportion of unfit men taken into the service from the 18- and 19-year-olds and a much greater likelihood of mental break-down under stress than would be the case if they are permitted to develop until they are at least 20 years old.

When it is argued that they can be protected adequately by giving them more thorough medical examinations than older men get, and that these examinations shall include a psychiatric study, the answer is that this precaution is in reality not going to be taken. There was the same intention originally to make a thorough medical evaluation of the men admitted to the Army, but their examinations have become most hasty and inadequate, not by intent but primarily because of the insufficient number of medical examiners available.

As a result of the lack of medical examiners the mental casualties are enormous. Military discretion prohibits our stating figures. More and more, as physicians leave their civilian posts, local facilities for examinations will be lessened. As we enter more extensive combat fewer qualified psychiatrists will be available at induction stations.

MILITARY IDEA DISPUTED

There is no sound basis for the claim that youth of this age make better soldiers. We say this without hesitation, even though we are not authorities in the military field. There is a very serious fault in the reasoning that has led to this conclusion. Presumably

the conclusion grows out of the experience military leaders have had thus far with volunteers from these age groups. But actually our Army has not had experience with the sort of boys they would get in a draft. Their experience has been with volunteers only, the most matured part of this age group, as evidenced by their capacity to arrive at independent decisions and break ties with family and community. Some 18-year-olds are like 20, others more like 16. The draft of this age group will bring the whole range into the Army. The more immature will find themselves in a terrible situation, and so will the Army. The Army has had experience only with a small percentage of this age group. Our conclusions as medical men are based upon knowledge of the 2,000,000 or more which trail them.

NAZI PLAN NOT FOR US

One of the arguments for the immediate drafting of this lower-age group will be that Germany considers this group valuable from a military viewpoint—even down to the age of 16. We should remember, however, that there is a difference between the boy of this age in Germany and the boy of this age in the United States. Our adversaries, the Fascists, find the drafting of youth quite harmonious with their purposes, for it prepares youth to fit in with their philosophy. The aim of the German system has been to mature—or premature—the youth at an early age to equip them physically through hard labor and mentally through early regimentation for army life and combat service. This is in marked contrast with the preparation which our youth have had.

Even England, which has been pressed to the wall in the search for manpower, does not treat her 18- and 19-year-olds with the lack of discrimination which is proposed in the bills now before Congress. While all men in England are registered at 18, they are not called for military service until 6 months later. Then they are given a thorough physical examination, and if they pass they are permitted to join the branch of service they prefer or, if highly skilled, they may be ordered back to the jobs they have left. If they do not pass their physical examinations they may be given some sedentary job with the armed forces or, if needed in agriculture, may be allocated to a farm.

In other words, England, in spite of greater pressure for manpower than we have yet felt, treats its 18-year-olds differently, at least, from the way it deals with other draftees. The bills before us make no discrimination between the age groups.

Looking at the problem from the standpoint of society, the fact should be remembered that the years between 18 and 20 are years when young men are finding themselves, emancipating themselves, developing personal strength by being on their own. If this proposal to draft the youths is carried out they will step out of the state of dependence on their parents to a state of dependence on an authoritarian organization, the Army, and following the war they will have no pattern of individual civilian responsibility to return to as a guide to their future living. They will be the best sort of material for the support of a totalitarian ideology, but not for the democracy for which they have fought. In our anxiety to win the war we must not lose sight of the necessity of creating a free world after the war.

FATHERS SIMPLER PROBLEM

We believe we have given full consideration to the fact that it is a great hardship for a child to be deprived of his father or a wife of her husband, but we regard even this as not so serious as subjecting the 18- and 19-year-old group prematurely to combat experience. It seems to us that this age group is our most important reserve of manpower and should be safeguarded to the last. If

the Government is preparing for a long war, they might be placed in a quasi-military status now and conscripted for military service later. If it proves to be a short war, they will be equally needed in building the post-war world.

Should not such alternatives be considered, therefore, as will prepare them physically and emotionally for later service? Many of them should be given all possible opportunity to complete the technical and professional training that will replenish the Nation's exhausted skills for use both in the war and in the post-war period. This kind of training is particularly applicable to the boy with city background and to the boy who would normally go to college.

Many others with agriculture backgrounds are going to be needed on farms, from which they can pass into military life far better qualified for rendering useful service than they otherwise would have been.

We would particularly protest against conscripting this age group for combat service merely because it seems to be the line of least resistance or because they in their ignorance and inexperience will be more reckless soldiers than older men. We shall have a large enough proportion of mentally broken men from the older groups without unnecessarily ruining these youths.

Summing up our argument, it is our best judgment that the 18- to 19-year-olds must be regarded as our national reserve, and therefore as the last to be conscripted for military service; that drafting them now would be fraught with serious hazards to the Army, to the youths themselves, and to the future welfare of our country.

DAVID BECK, M. D.,

Mount Sinai Hospital,

LELAND E. HINSIE, M. D.,

Columbia University Medical School,

GERALD R. JAMIESON, M. D.,

GEORGE S. STEVENSON, M. D.,

Medical Director,

National Committee for Mental Hygiene.

THOMAS V. MOORE, M. D.,

Department of Psychology and
Psychiatry, Catholic University of America.

FRANK J. O'BRIEN, M. D.,

Associate Superintendent of Schools,

New York.

WILLIAM L. RUSSELL, M. D.,

New York State Psychiatric

Institute and Hospital.

NEW YORK, October 14, 1942.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. VAN NUYS (for Mr. McCARRAN), from the Committee on the Judiciary:

H. R. 7675. A bill to amend the act entitled "An act to incorporate The American Legion," approved September 16, 1919, so as to extend membership eligibility therein to certain American citizens honorably discharged from the active military or naval forces of the United States or of some country allied with the United States during World War No. 2; without amendment (Rept. No. 1645).

By Mr. KILGORE, from the Committee on Military Affairs:

S. Res. 303. Resolution for an investigation looking to better mobilization of the technological resources of the United States (submitted by Mr. KILGORE on October 13, 1943); with an amendment; and, under the rule, the resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

By Mr. McFARLAND, from the Committee on the Judiciary:

H. R. 5578. A bill to permit the United States to be made a party defendant in certain cases; without amendment (Rept. No. 1646).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. CHANDLER, from the Committee on Military Affairs:

Several officers for temporary appointment in the Army.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

By Mr. WALSH, from the Committee on Naval Affairs:

Capt. Oliver M. Read to be a rear admiral in the Navy, for temporary service, to rank from May 9, 1942; and

Sundry officers for promotion in the regular service of the Marine Corps.

REDUCTION OF DRAFT AGE LIMIT

Mr. GURNEY. Mr. President, on Wednesday of last week the Senate Committee on Military Affairs started hearings on the bill to lower the draft age so as to include 18- and 19-year-old men; the hearings were concluded on Friday and in executive session on Saturday the committee ordered Senate bill 2748 reported. The hearings have been printed and are now available. I ask permission to submit the report on the bill (S. 2748) to amend the Selective Training and Service Act of 1940 by providing for the extension of liability, with an amendment, and I submit a report (No. 1644) thereon. I ask for its early consideration by the Senate.

The ACTING PRESIDENT pro tempore. Without objection, the report will be received, and the bill will be placed on the calendar.

REPORTS ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which were referred for examination and recommendation three lists of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted reports thereon pursuant to law.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on October 15, 1942, that committee presented to the President of the United States the following enrolled bills:

S. 2442. A bill to authorize the Secretary of War to approve a standard design for a service flag and a service lapel button; and

S. 2775. A bill to amend the act of March 5, 1942, relating to the planting of guayule and other rubber-bearing plants.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DAVIS:

S. 2854. A bill to authorize the Secretary of War to correct certain military records; to the Committee on Military Affairs.

By Mr. McNARY:

S. 2855. A bill for the relief of Josephine M. Melchior; to the Committee on Claims.

By Mr. VAN NUYS:

S. 2856. A bill to provide for the punishment of certain hostile acts against the United States, and for other purposes;

S. 2857. A bill to amend the Criminal Code so as to punish any one injuring a party, witness, or juror on account of his having acted as such; and

S. 2858. A bill to authorize the appointment of court reporters in the district courts of the United States; to fix their duties; to provide for their compensation, and for other purposes; to the Committee on the Judiciary.

By Mr. DOWNEY:

S. 2859. A bill for the relief of dependents of Frank Edward Dace; to the Committee on Military Affairs.

(Mr. LA FOLLETTE (for himself and Mr. THOMAS of Utah) introduced Senate bills 2860, 2861, 2862, 2863, and 2864, which were referred to the Committee on Education and Labor, and appear under a separate heading.)

(Mr. VANDENBERG introduced Senate Joint Resolution 166, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were severally read twice by their titles and referred or ordered to be placed on the calendar, as indicated:

H. R. 7311. An act to amend section 6 of Public Law, No. 2, Seventy-third Congress, March 20, 1933, as amended; to the Committee on Finance.

H. R. 7695. An act to aid in preventing inflation, to stabilize the rents of real property, and for other purposes; to the Committee on Banking and Currency.

H. R. 7528. An act to amend the Selective Training and Service Act of 1940 by providing for the extension of liability; ordered to be placed on the calendar.

VOTING PRIVILEGES FOR DRAFTEES

Mr. VANDENBERG. Mr. President, if young men are to be drafted at 18 years of age to fight for their Government, they ought to be entitled to vote at 18 years of age for the kind of government for which they are best satisfied to fight. I ask permission to introduce a joint resolution proposing an amendment to the Constitution of the United States and ask that it be referred to the Committee on the Judiciary.

There being no objection, the joint resolution (S. J. Res. 166) proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older was read twice by its title and referred to the Committee on the Judiciary.

REDUCTION IN DRAFT-AGE LIMIT—AMENDMENT

Mr. WILEY submitted an amendment intended to be proposed by him to the bill (S. 2748) to amend the Selective Training and Service Act of 1940 by providing for the extension of liability, which was ordered to lie on the table and to be printed.

LEGISLATION CONCERNING PRICES OF AGRICULTURAL COMMODITIES

Mr. REED submitted the following resolution (S. Res. 303), which was referred to the Committee on Agriculture and Forestry:

Resolved, That it is the sense of the Senate—

First, That the provisions of the act entitled "An act to amend the Emergency Price Control Act of 1942, to aid in preventing in-

flation, and for other purposes," approved October 2, 1942, plainly require that any maximum price fixed under authority of such act or otherwise for any agricultural commodity, or for any commodity processed or manufactured in whole or substantial part from any agricultural commodity, shall be a price which will enable producers of such agricultural commodity to receive for such agricultural commodity, when sold by them, a price which is not less (in any event) than the parity or comparable price for such agricultural commodity and which is not less (except to the extent necessary to correct gross inequities) than the highest price received by such producers for such commodity between January 1, 1942, and September 15, 1942, as such prices are determined and published by the Secretary of Agriculture and adjusted by him for grade, location, and seasonal differentials.

Second, That in establishing, maintaining, or adjusting maximum prices for agricultural commodities, or for commodities processed or manufactured in whole or substantial part from agricultural commodities, no authority exists for making deductions from parity price or comparable price for payments made under the Soil Conservation and Domestic Allotment Act, as amended, parity payments made under the Agricultural Adjustment Act of 1938, as amended, or other payments which are not a part of the selling price of such commodity.

Third, That in considering and enacting the act entitled "An act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes", approved October 2, 1942, the Congress did not intend any such deductions to be made.

Fourth, That the making of any such deductions in establishing, maintaining, or adjusting any such maximum prices is a violation of the provisions of such act.

EFFECT OF GASOLINE RATIONING ON TRAVELING SALESMEN

Mr. MAYBANK. Mr. President, I ask unanimous consent to have printed in the *Record* at this point a letter addressed to me by Hon. Leon Henderson, Price Administrator, in reply to a letter sent to him by me, in which I enclosed a resolution signed by 4,549 traveling businessmen and adopted by the South Carolina Traveling Men's Association. I also ask unanimous consent to have printed a letter which I have received from Mr. M. H. McIntyre, Secretary to the President, regarding the same matter.

There being no objection, the letters were ordered to be printed in the *Record*, as follows:

OFFICE OF PRICE ADMINISTRATION,

Washington, D. C., October 17, 1942.

The Honorable BURNET R. MAYBANK,

United States Senate.

DEAR SENATOR MAYBANK: Your letter of September 24, 1942, addressed to Mr. Marvin H. McIntyre, and enclosing a resolution signed by 4,549 traveling businessmen, which was adopted by the South Carolina Traveling Men's Association, has been given to us for attention.

We appreciate the problems that face traveling men under the gasoline-rationing program. In the formulation of the Nation-wide mileage rationing program, we have given serious consideration to the possibility of increasing the amount of mileage made available to salesmen for occupational purposes. However, if this were done, almost every other traveling businessman would also have to be made eligible for the increased mileage. Moreover, a large proportion of the traveling men would be eligible for the maximum mileage allowed.

The United Commercial Travelers of America tell us that there are one-half million traveling men in the present rationed area. If all of these men were made eligible for an increase in their occupational mileage to 750 miles per month, consumption of gasoline in the rationed area would be increased 7,400 barrels daily. We are sure that you realize that the present gasoline supply situation in the east coast area does not make possible such an increase in gasoline consumption at this time. Nor does our national rubber supply situation, as indicated by the Baruch report, make possible an increase in the mileage allotted to traveling salesmen.

The Baruch committee has reported that the existing rubber supply situation is so dangerous that, unless corrective measures are taken immediately, this country will face both a military and civilian collapse. This committee also informs us that gasoline rationing is the only way of conserving our present rubber supply. The committee explored every means of avoiding this method, but it was found to be inescapable.

The gasoline rationing program that has been in effect in the Atlantic seaboard States since July 22, 1942, has limited the mileage made available to almost all traveling men to that provided by the A and B ration books. This program has not disrupted our eastern economic system, although it has, of necessity, imposed hardships upon certain individuals whose work could not be classed as most essential to the war effort.

Under the Nation-wide mileage rationing program, traveling salesmen will be eligible for supplemental rations for occupational purposes. It will also be possible to issue tires for their cars in view of the fact that the mileage-rationing program will provide a strict control over the operation of the cars. This control will include the 35-mile speed limit and a compulsory periodic tire inspection as well as the mileage rationing. They will be issued a basic ration book providing 240 miles of travel per month, calculated on the basis of 15 miles per gallon, and will also be eligible to receive supplemental rations to the extent presently provided by the B ration book. To qualify for supplemental rations, the applicant will be required to show that he is sharing his car with at least three other people, or that it is impossible to do so, and that alternate means of transportation are not available. The maximum mileage provided by the B book amounts to 320 miles per month. This, in addition to the mileage provided by the basic ration, will make available a maximum of 560 miles per month for all occupational purposes not included in the preferred mileage category.

Mileage in excess of that provided by the A and B ration books will not be available to salesmen. Technical men who render indispensable services of a specialized nature to agricultural, extractive, or industrial establishments may be eligible for preferred mileage to enable them to render such services. The fact that they sell will not disqualify such technical men, if their sales activity is incidental to the main purpose of the trip.

Our national rubber supply situation makes careful sharing necessary. We realize that hardships may be imposed upon some individuals. However, the modern form of total war imposes hardships in all fields of our civilian economy. Some business activities during these perilous times may not be carried on as usual.

Your interest in this problem of conservation with which we are confronted is sincerely appreciated. If we can be of any further assistance, please do not hesitate to call upon us.

Sincerely yours,

LEON HENDERSON,
Administrator.

THE WHITE HOUSE,
Washington, October 6, 1942.
HON. BURNET R. MAYBANK,
The United States Senate,
Washington, D. C.

MY DEAR SENATOR: As requested in your letter to me of September 24, I brought to the President's attention the resolution adopted by the South Carolina Traveling Men's Association.

I suppose it is unnecessary for me to tell you that the whole matter is being given the fullest consideration.

Sincerely yours,

M. H. MCINTYRE,
Secretary to the President.

REPLY TO CRITICISM OF CONGRESS

Mr. REED. Mr. President, some time ago Mr. Fulton Lewis, Jr., took some potshots at Congress. A very able lawyer in Kansas named Charles L. Hunt wrote Mr. Lewis a letter, a copy of which he sent me. The letter gives a very appropriate answer to Mr. Lewis on behalf of Congress, and I ask permission to have it appear in the RECORD at this point.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 3, 1942.

Mr. FULTON LEWIS, JR.,
Radio Station WOL,
Washington, D. C.

DEAR MR. LEWIS: For about a year I have been listening to your evening broadcasts. Don't ask me why. Really I don't know. Perhaps, it is your pleasant voice, though you sometimes begin apparently much out of breath. Are there no elevators in that building, or is it just adipose tissue?

I was tempted to write to you several days ago when you so rawhided Congress for its stupidity in not gleefully accepting the Presidential directive (thanks for the new word) on farm prices. What you said about curbing strikes and wages was the most profound silence I have ever heard. Of course, you and I know the President will knock the labor barons' ears down all right. He promised to do that all by himself many times.

But you surely took that grabby farm bloc to a cleaning. And the way you did it is proof that you must have been around in about all of the country towns in the Middle West and talked to the boys living up at the forks of the creeks. If you hadn't you would not know so much about it. You would be out on a limb just like most of the commentators and columnists who announce that they have made an inspection of the farming districts to get the pulse of the people, even if they had to stop off another day in Chicago or Buffalo to do it.

Anyway these greedy farmers have just got to be stopped and I guess it is up to you and the President to do it. You know what? If they are not stopped by some executive order the darn rascals will make enough money some of these days to pay up their back taxes, and then look out. The greedy devils will try next to buy back the farms the Federal Land Bank took away from them during the 8 years they didn't raise anything but dust. You just can't trust 'em, Mr. Lewis, give a farmer a penny and when your back is turned he will try to get another one. There seems to be no limit to his cupidity. Of course, you know all of this on account of your having inspected the Middle West so often and I, only having lived 65 years in this prairie State, which Mr. Tugwell said was going back to the desert of Indian days, don't know a lot about it. But I might let you in on a few

things the boys forgot to tell you about that day you were talking with them down at the drug store.

Of course, the farmer did not raise anything to speak of for a good many years, and Wallace got it into his head he should have some parity payments, or something, for not trying to raise what he could not raise anyway, and even up with him just a little for all those cattle and pigs Henry decided to kill. Well, what was the difference? Cattle and hogs weren't worth a whoop anyway, and everybody except a few reactionaries and obstructionists know mighty well those killings had nothing to do with inflationary prices of livestock now. Also meat rationing. Trouble was the silly farmer got it into his head that all this talk about the more abundant life included him, as well as members of labor unions; got him all dissatisfied with being a peasant, and if we are going to have any luck keeping him a peasant, the New Dealers are just going to have to knock the farm bloc out for good, and as I have just said we are depending on you and the President to do it.

They even believe they should have the right to plant any crop they choose, regardless of what the Washington efficiency experts say. They think they are rugged individualists, and, just between you and me, Mr. Lewis, I think they got that idea from something Herbert Hoover said.

Just because they run a dozen hazards in trying to raise a crop, work longer hours than the Wage and Hour Division ever heard of, and make about as much in 1 month as defense workers get in 1 day is just no excuse for their wanting farm-labor costs to be considered in fixing a ceiling on prices. Of course, corn shuckers once were glad to get 5 cents per bushel, and now they demand 10 to 15 cents, but what difference does that make? Can't they learn a little patriotism and work for nothing for a few years so the unionneers can have cheap food? You might bring that out sometime.

Glad you don't have to live among them. They are a coarse outfit. Their raucous guffaws when they read Westbrook Pegler's My Day column was just disgusting to anyone like you or me who understand the fine points of the New Deal's social gains.

Your broadcast last evening was a pippin. Of course, we all know secrecy meant safety on the President's inspection trip, but these yokels out here say he would have been safer staying at the White House, and that he could have learned more by reading what was going on than he could by riding through a plant. Also, they seem to think, even with secrecy, he was in danger of running into some black Republican working in one of those projects. Some of them are even mean enough to say he made that trip in secrecy in an attempt to satiate his insatiable flair for the spectacular. So you see what kind of people I have to live with.

About this anti-inflation bill, these same farmers cheered when Congress showed fight. Yes; that's a fact. They can't seem to learn that the President knows more than all the Members of Congress and the Senate, with the Supreme Court thrown in for good measure. They keep talking about the Constitution, as though it means anything as between friends. Maybe they will learn sometime we could save a lot of money by just dispensing with Congress and the Supreme Court and let Mr. Roosevelt do everything by Executive order. Maybe they think Mr. Roosevelt may not always be President and then they might need Congress. I don't know.

You did a fine job on rubber, but when that committee reported a lot of people got the idea that the President should not have vetoed that bill Congress passed last spring, and they got to chattering around here that the delay was the fault of the President, and it may be

they got that idea from some things you said, but I know you didn't mean anything like that.

Well, it is getting late and I will have to quit, but I just want to say that things are very much out of hand out here, and if you do not keep bearing down in your broadcasts and the President does not do a lot more fire-side chatting, this State is going to backslide next month and go about 75,000 Republican.

I am sending you a bunch of keys to add to your collection. There is no history connected with any of them, except that the other 90 percent of my family won a long string of them in a golf tournament. None of them is a key to the city or the jail. Maybe you can fashion them into a key to Tokyo or Berlin. At least, I hope so.

Sincerely yours,

C. L. HUNT.

THE DAY OF THE NEW WORLD—ARTICLE BY THE VICE PRESIDENT

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an article entitled "The Day of the New World," written by the Vice President, and published in the New York Times magazine of October 11, 1942, which appears in the Appendix.]

LABOR WILL DO ITS SHARE—ADDRESS BY SENATOR DAVIS

[Mr. DAVIS asked and obtained leave to have printed in the RECORD an address delivered by him at the convention of the American Federation of Labor in Toronto, Canada, October 12, 1942, which appears in the Appendix.]

ADDRESS BY SENATOR HERRING TO THE PEOPLE OF IOWA

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD a radio address delivered by Senator HERRING from Washington to the people of Iowa on September 30, 1942, which appears in the Appendix.]

WAR CRITICS AND IDEALS—ADDRESS BY SENATOR GREEN

[Mr. MAYBANK asked and obtained leave to have printed in the RECORD an address entitled "War Critics and Ideals," delivered by Senator GREEN at Providence, R. I., on October 16, 1942, which appears in the Appendix.]

FARM PRICES—LETTER FROM THE PRICE ADMINISTRATOR

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a letter addressed by Leon Henderson, Price Administrator, to Senator Lucas on the question of farm prices, which appears in the Appendix.]

PRAISE FROM A COLORED SOLDIER

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD a letter written by Bert Cumby, a Negro soldier stationed at Myrtle Beach, S. C., published in the Washington Post of October 18, 1942, which appears in the Appendix.]

DEFEATISM—EDITORIAL FROM THE ANDERSON (S. C.) INDEPENDENT

[Mr. MAYBANK asked and obtained leave to have printed in the RECORD an editorial entitled "Let's Stop the Squawking—Discouragement, Like the Flu, Is Catching," published in the Anderson (S. C.) Independent of October 11, 1942, which appears in the Appendix.]

EMPLOYERS' ASSOCIATIONS AND COLLECTIVE BARGAINING IN CALIFORNIA (PT. IV OF S. REPT. NO. 1150)

Mr. LA FOLLETTE. Mr. President, out of order, I ask unanimous consent to file a report from the subcommittee of the Committee on Education and Labor,

which is part IV of the series of Employers' Associations and Collective Bargaining in California. This particular report is entitled "Employers' Associations and Their Labor Policies in California's Industrialized Agriculture." I urge all Senators who are interested in the farm labor problem, either from the standpoint of the shortage of farm labor and the inability of agricultural employers to maintain an adequate labor force or the question of how farm wages should relate to urban wages, to read this particular report. More particularly, I urge those who are interested in the welfare of the millions of forgotten and disadvantaged farm workers and their families to learn what these laborers are up against without the protection of the labor legislation which we have put on the books during the last decade.

The ACTING PRESIDENT pro tempore. The report will be received and printed.

Mr. LA FOLLETTE. Mr. President, in this connection I ask that there be inserted in the RECORD as a part of my remarks excerpts from the report. These excerpts cover the introduction and conclusion of the report and will provide the Members of this body with a readily available outline of the subject matter to be covered and the conclusions and recommendations which the committee has derived from its investigation.

The ACTING PRESIDENT pro tempore. Without objection, the excerpts will be printed in the RECORD.

The excerpts are as follows:

PART IV. EMPLOYERS' ASSOCIATIONS AND THEIR LABOR POLICIES IN CALIFORNIA'S INDUSTRIALIZED AGRICULTURE

(Pursuant to S. Res. 266, 74th Cong.)

INTRODUCTION¹

In accordance with Senate Resolution 266 (74th Cong., 2d sess.),² the committee herein submits an analysis of certain agricultural employers' associations in California whose activities are importantly related to the development of collective bargaining in "industrialized agriculture" and to labor policies that are responsible for the highly disadvantaged status of agricultural labor. This is Part IV of a report consisting of the following 10 parts:

Part I. General Introduction.

Part II. Organized Antiunionism in California Industry Prior to the Passage of the National Labor Relations Act.

Part III. The Disadvantaged Status of Unorganized Labor in California's Industrialized Agriculture.

¹ The factual material referred to in this introduction and sec. 1, which is a summary analysis of materials in the succeeding sections of Part IV, is derived from those sections, and the appropriate footnotes and references for the facts are given in those sections.

² A subcommittee of the Committee on Education and Labor was appointed by the chairman June 6, 1936, under Senate Resolution 266, which reads, in part, as follows: "Resolved, That the Committee on Education and Labor is authorized and directed to make an investigation of violations of the right of free speech and assembly, and undue interference with the right of labor to organize and bargain collectively." The limit of expenditures under this resolution was extended by various resolutions in the Seventy-fourth, Seventy-fifth, and Seventy-sixth Congresses.

Part IV. Employers' Associations and Their Labor Policies in California's Industrialized Agriculture.

Part V. The Organization of Resistance to Collective Bargaining in California, 1935-39.

Part VI. A Study of Labor Policies of Employers' Associations in the Los Angeles Area, 1935-39.

Part VII. A Study of Labor Policies of Employers' Associations in the San Francisco Bay Area, 1935-39.

Part VIII. The Associated Farmers of California, Inc.—Its Reorganization, Policies, and Significance, 1935-39.

Part IX. The Origin and Promotion of Recent Legislation in California Limiting Labor's Civil Rights.

Part X. Conclusions and Recommendations.

Employers in the various phases of agricultural industry in California are usually members of an association which has as one of its purposes the execution of policies respecting labor and labor relations. These associations may vary in type, function, and degree of formal organization. They are concerned, among other things, with labor supply, the setting and adjusting of wage rates, and, more recently, with the questions of employee association, collective bargaining, and labor legislation. They may have functions other than the conduct of labor relations. In any event, in relations with labor, California's agricultural employers often act collectively rather than individually.

Due to their prevalence and their support by large corporate business interests in agriculture and related industries, these employers' associations wield a powerful influence in matters affecting agricultural labor standards and the relationships between labor and agricultural employers. They seek to secure the maintenance in their hands of an unfettered control of the incidents of employer-employee relationships in California's industrialized agriculture. Many of these employers' associations, up to now, have not been willing to brook any intrusion from employees, their trade-unions, or the Government, in their management of labor relations. This policy gives rise not only to a continued sufferance of undesirable economic and social conditions among the thousands of California's agricultural laborers, but in large measure causes these conditions. In addition, it results in a continued conspiratorial nullification and destruction of civil rights.

The committee was confronted by no ordinary situation in treating the phase of its investigation that concerned these groups. There was evidence available that connected many of them in some fashion to alleged violations of civil rights. All were part of the complex out of which the agricultural labor problem developed. It was essential to examine closely some of the more important of these associations, analyze their structure, and trace the development of their labor policies. Any concrete program leading to the elimination of the economic and social disadvantages of agricultural labor and the violation of its civil rights must take into account these employers' associations and the temper of their present leadership. Section 1 of this Part IV is a summary analysis of these organizations and their significance.

At the outset, one fundamental distinction as to the character of these organizations must be observed. The associations treated in this part of the report differ in important respects from other organizations that include employers in varying proportions. In the latter part of the nineteenth century, agricultural groups, such as the California Immigrant Union and the State agricultural and horticultural societies, were concerned

with the problem of attracting laborers to the State. There were also county groups and community organizations of growers of one type of crop, such as the Santa Clara County Viticultural Society and the Vacaville Fruit Growers, which dealt with problems of labor supply. In the present day the Farm Bureau Federation, the National Grange, and the Farmers' Union serve a different purpose from employers' associations in their emphasis on the business and social aspects of agriculture. Some production and marketing associations have been only collaterally concerned with labor problems. These organizations are not designed to represent interests of employers in labor matters. In that phase of agriculture they are only incidentally concerned. They are "farmers'" organizations, although in certain areas they may be dominated by the agricultural employer rather than the "family farmer."

The associations with which this part of the report is concerned are those whose interests and activities in labor matters are an essential part of their program. They are not properly considered as "farmer" organizations in the sense in which that word is understood and commonly used. They are organizations of employers, who use labor in their operations on a mass scale.

These employers' associations have grown in the environment of a developing and expanding wage-labor system. The nature and growth of this organization of agricultural production, sometimes referred to as the "factory system" or "industrialized agriculture," have been described in section 3 of Part III³ of this report. Many of these employer organizations are of comparatively recent origin. The greatest numerical increase in the number of wage laborers on California farms occurred in the 1920-30 decade, when, according to the United States census, their number increased from 119,800 to 190,000.⁴

Even more significant than the growth in the number of wage workers was their concentration of employment. In 1930, 150,000 wage workers were employed on about 13,500 farms, or an average of 11 workers to a farm.⁵ These figures may not be wholly accurate because of fluctuating employment. That is relatively unimportant. The generally conceded fact is that a great bulk of California agriculture, particularly in the fruit, vegetable, and specialty crops, operates by the use of gangs of hired wage labor. It is out of this employment relationship on an industrialized basis that the labor problems have emerged which, in turn, have given rise to the employers' associations, the subject of this study.

These associations are outstanding in their control of labor relations in the fruit, vegetable, and specialty crops such as cotton, and in the packing and canning phases of agricultural industry. In singling out particular associations, the Committee does not wish to imply that its observations are peculiar to them. The same analysis may be true of many other associations not mentioned. The ones treated are believed by the Committee to be typical of many additional groups. The Agricultural Labor Bureau of the San Joaquin Valley has recruited labor and set the wage rates for the 30,000 workers in the cotton industry, many thousands in the grape industry, and hundreds in the other fruit crops of the valley. Similar functions are discharged for the related cotton industry in Arizona by the Farm Labor Service.

³ See particularly, chs. 1, 2, and 3, pp. 262-331.

⁴ See pt. 54, exhibit 8762, table 33, p. 19888.

⁵ See testimony of Varden Fuller, pt. 47, p. 17309.

These two associations unify the policy of those cotton ginner and growers in the Southwest on labor supply and wage rates. In the vegetable and melon industry, the Western Growers Protective Association and the Grower-Shipper Vegetable Association have taken steps in the principal areas of vegetable production to protect and maintain a supply of labor, enforce wage standards of their own determination, and alternately deal with and fight labor organizations. In the citrus industry, leadership in matters affecting its labor force of some 60,000 workers has been assumed by the California Fruit Growers Exchange and the various local exchanges which compose it. In effect, the entire citrus industry is operated through these exchanges, which are equivalent to highly developed employers' associations. Practically plenary control over the labor problems of the canning industry is centralized in the California Processors & Growers, Inc. Selected examples of this significant type of employers' association are analyzed in full detail in section 2 of this Part IV. They represent the "area" or "commodity" associations and are fundamental to the workings of the system of which they are a part.

A distinguishing feature of some of these employers' associations has been the adherence, as members or as sources of financial support, of corporations not directly concerned with the handling of agricultural products in the cultivating or processing stage. These corporations for the most part have been those with whom agricultural enterprises do a substantial amount of business. A list of such members includes railroads, oil companies, power companies, banks, and companies manufacturing such products as paper, boxes, ice, and cans. Another class of such companies included in membership are the distributors, jobbers, and handlers of agricultural products. Besides enhancing the economic power of these associations by their financial support, the collaboration of these companies permits the business community to bring its influence to bear upon the pattern of labor relations in agriculture. Similarly, many of these outside industrial interests, together with processors such as canners, ginners, and refiners, participate in the activities of associations of producers and support them financially.

The trend of the California employers' associations in agriculture over the past 15 years has been toward greater unity within the association, greater synthesis of such agricultural associations, and a growing coalescence with efforts of urban industrial employers' associations. Along with this trend, there has developed only the most limited sharing of supervision over the employer-employee relationship with organized labor groups, public arbitration boards, and other governmental bodies.

An analysis of the structure and control of these employers' associations indicates that they are likely to be dominated by the industrial interests and the large-scale or corporate producers who typify industrialized agriculture. Oftentimes, these producers are shippers, handlers, or processors of agricultural products operating in the industry on a vertical basis. The labor policies of these associations naturally reflect the attitudes and interests of the industrial groups that sponsor and support them. Inevitably, the small independent producers, who may be more numerous in a given crop area, fall into line behind the tremendous economic and trade influence of these more highly organized and integrated forces. Thus, the motif of the labor policy of the industrialists becomes pervasive. This situation is neither surprising nor unusual in the light of the economic organization of California's agri-

cultural industry⁶ and the existence of large industrial interests with substantial economic stakes in the character of agricultural operations and labor costs.⁷ The sharing of the agricultural income with labor provides an adequate motive for this intervention.

Several aspects of these associations, apart from their obvious utility for unifying employer policy, may be emphasized. These associations are the devices through which industrialized agriculture may achieve the ascendancy of a given labor policy for all agricultural operations. Through these organizations the large-scale or corporate operation is able to extend its policy beyond its natural economic influence, and "outside" business interests may secure a widespread adherence to the pattern of labor relations they consider desirable for agriculture. Finally, they are the means by which the labor policy of employers in agriculture can be correlated and subjoined to the labor policy of employers in industry as a whole, formulated in the great composite employer organizations that center their activities in San Francisco and Los Angeles, but operate in terms of a State-wide plan.

But to effect this unification and coordination of labor policies, employers' associations more inclusive than the "area" and "commodity" associations treated in section 2 are required. The California State Chamber of Commerce and its related and subsidiary branches have performed this function since 1921. Indeed, the articles of incorporation of the State chamber declare that one of its purposes is:

"To secure cooperation of activities as represented throughout the State by relating the organizations throughout the State to this organization, in order that efficient and co-operative forces may be provided for the coordination and consideration of the agricultural, industrial, and commercial activities, not of any one section, but of the State as a whole, thereby furnishing a valuable medium for united expression, with the objective of making local bodies efficient and cooperative."⁸

The various "area" and "commodity" employers' associations in agriculture are associated in agricultural committees of the State chamber, the Los Angeles chamber, and regional chambers. In turn, selected members of these committees are conjoined with representatives of other industries in the board of directors of the particular chamber.

Naturally, the leadership for consolidating agricultural employer policy on a State-wide or regional basis in emergency situations has been provided by the California State Chamber of Commerce. This leadership made a definite contribution to the agricultural labor crisis that crystallized, after years of development, in 1933. It sponsored, organized, and procured financial support for a new employers' association, the Associated Farmers of California, Inc. This organization carried out the chamber's policy in this crisis, which was to ignore and pass over the miserable economic and social conditions of agricultural labor, and launch an aggressive State-wide campaign to suppress the protests that were current. This autocratic policy of repression was directed against striking agricultural laborers, the exercise of their legal rights to picket, and the activities of trade-union organizers, political agitators, public officials who endeavored to discharge dutifully their official functions, and citizens who raised their voices in protest. From 1933 to 1935 the Associated Farmers of California, Inc., tried to pass off California's agricultural

labor problem, which dated back many decades, as "Communist propaganda." It was largely successful. A full account of this phase of employers' association policy in California's industrialized agriculture is contained in section 3 of this Part IV.

In late 1935 and 1936, certain new factors were clearly apparent. The National Labor Relations Act had become the law of the land. There was a startling new vitality in California's trade-union movement that threatened to include substantial groups of agricultural workers. There was a new vigor in the public policies of both Federal and State Governments toward alleviating the plight of disadvantaged population groups. Backed by the industrialists who were influential in the councils of the State chamber of commerce and other powerful urban employers' associations, the Associated Farmers of California, Inc., which had become dormant in the spring of 1935, was revived and extended on a larger and more intensive scale. County units were established in 42 California counties. Mass memberships were sought. The organization became the spearhead of opposition to collective bargaining and trade-unionism in California, affecting labor relations in agricultural production, agricultural processing, transportation and, indeed, through political devices, the whole of the labor movement. That development is not treated in this Part IV, but in Part VIII.

Somewhat later, in southern California, still another type of employers' association appeared. Called the Agricultural Producers' Labor Committee, it was sponsored by and composed of leading elements in the citrus and vegetable industries, who were active in various capacities in the Associated Farmers, the agricultural committee of the Los Angeles Chamber of Commerce, the Western Growers Protective Association, and various citrus associations. Its special function was to conduct organized lobbying against the application to any employers in agricultural industry of national labor legislation such as the National Labor Relations Act, the Social Security Act, and the Fair Labor Standards Act. It also attempted to obtain judicial and administrative rulings favorable to its policy. This organization and its activities are discussed in section 4 of this part.

To a general policy, typified by these two associations, the State chamber of commerce has continued to give its tacit blessing. It developed and promulgated a Code of Farm Labor Principles in 1937. This code was worded so that the Associated Farmers could give assent without embarrassment because it embodied nothing contrary to the concept of complete employer control of wage fixing, housing, and other working conditions, and paid only the most general lip service to the principle of collective bargaining. The history of this Code of Farm Labor Principles, which was only a public statement in relatively meaningless terms, illustrates again the function of the State chamber as the coordinating policy unit. The State chamber has not taken any affirmative steps to adjust the policy it originally sponsored to the demands of nationally accepted standards of economic democracy. The impression described finds ample confirmation in facts in addition to the statements or manifestos of policy by the State chamber and the Los Angeles chamber. It is apparent that the Associated Farmers' labor policy is the one accepted for agricultural industry by those bodies, which represented the most powerful and influential of the employer groups. The industrial membership of the State chamber, including many of its board of directors, has continued to render valuable financial support to the Associated Farmers. Various employers' associations represented upon its State-wide agricultural committee have continued to align

⁶ See full discussion in Part III of this report, pp. 262-296.

⁷ *Id.*, pp. 383-387.

⁸ See pt. 68, exhibit 11328, p. 24846.

their labor policy and membership with the activities of the Associated Farmers. The nature of the State chamber's organization and its role in formulating the policy for agricultural labor are treated in section 5.

CONCLUSION

The existence of employer-employee relationships in California's "industrialized agriculture" which are similar in their basic character to those in other industries is now beyond dispute. The analysis in Part III of the organization of California agriculture is a sufficient answer to any who would avoid this reality. The character of the agricultural labor market, the disadvantaged economic and social plight of the agricultural labor, and the absence of any substantial voice by the employees or the public in the fixing of conditions of employment make the problem of public policy a pressing one. A wise formation of public policy can be devised only in the light of the widespread activity of employers' associations of the character described in this Part IV.

Primarily, it becomes essential to reappraise the wisdom of the existing public policy that leaves the complete control of employer-employee relationships in a large part of industrialized agriculture in the hands of employers' associations beyond the reach of tempering employee sentiment and protective public regulation. Specifically, there should be a review of the present policy of exempting industrialized agricultural labor from labor legislation such as the Fair Labor Standards Act, the Social Security Act, the National Labor Relations Act, and various types of State labor laws. Indeed, the obvious unlikelihood of an early effective development of associations of agricultural laborers enjoying an equality of bargaining power with associations of agricultural employers of the type described in this Part IV calls for an extraordinary degree of attention to the passage and vigorous enforcement of protective social legislation for agricultural labor. It may be that the bare extension of existing labor legislation to include agricultural labor through the elimination of existing exemptions, except as they pertain to family-sized farms, may not be a sound or adequate policy in view of the character and activities of these employers' associations. Close examination may disclose the need for special forms or adaptations of existing labor legislation to fit peculiarities of the industry and to cope with the tremendous disparity of bargaining power between the individual laborer and these mighty and powerful employers' associations. Furthermore, the unusual character of the agricultural labor market, the extraordinary poverty and the underprivileged status of this type of labor will require, as has been noted in Part III, the application of special housing, relief, health, and educational facilities and, probably, unusual public controls of the seasonal labor supply.

Of course there has been, and will continue to be, a bitter and determined opposition to the adoption and application of a public policy of this nature. This opposition will be generated in large measure by the various associations of employers and allied industrial groups who, dictated by their own self-interest, have acted collectively for the purpose of manipulating the labor supply, setting and adjusting wage rates and, in general, providing a unified treatment of employer-employee relationships in agricultural industry. There will be protests that the rights of the individual employer are being infringed.

The protests will come from those who have destroyed individualism in agriculture by resorting to industrial methods of agriculture and using employers' associations to carry out collective, unified programs of labor policy. As the relationship between farm operator and farm worker partakes more of the relationship between industry and wage

worker than that of father and son, brother and brother, neighbor and neighbor, or the "family farmer" and his hired man, the need for a public policy of this character becomes compelling. Collective action by the hired workers in industrialized agriculture, supplemented by social action of governmental agencies, similar to that applied to other industry, must become the order of the day. A continued indulgence in a monopolized control of the incidents of the employer-employee relationship cannot be successfully urged as a desirable condition in an economic system that is based upon accepted concepts of industrial democracy.

It may be suggested that enlightened employer leadership will eventually remove the injustices and undesirable conditions without governmental action. The record of the past decade does not lend force to this observation. On occasion there have been momentary and passing attempts by employer groups to develop the necessary self-discipline in the industry without unions, collective bargaining, or protective legislation. However commendable this activity may be, it cannot be accepted as a substitute for the bona fide sharing of the control of labor relations with labor through its chosen representatives, and the passage of legislation to protect both the employees and the fair and just employers from the abuses of a selfish and recalcitrant minority.

The record of this investigation discloses that there are vicious and intolerant forces which, unless restrained, are likely to combine to interfere with the normal development of the free and natural exercise of the right of employee association and collective bargaining and the underlying right of free speech and assembly. As this Part IV discloses, these forces, all too frequently, have been stimulated or encouraged and aided by the same groups that dominate employers' associations active in actual control of labor relations. That combination is the most outright economic tyranny, and, when it controls a given area or industry, can only be restrained by the policy of a democratic government zealous in the protection of the civil rights of its citizens and in the furtherance of social justice.

There are ominous signs that the various recurrent instances of undue interference with the civil rights of agricultural labor are not isolated and passing aberrations of untutored and reactionary local groups without great influence and prestige. Indeed, these violations of civil rights in agricultural industry form and follow a pattern. They have a central direction; they are encouraged and supported by the most powerful and outstanding industrial corporations and leaders in California. The analysis in this Part IV reviews only the background in the development of an organized State-wide conspiracy to violate labor's civil liberties in California agriculture and the eventual coordination of the organizational instrument forged for that function with "belligerent" antiunion employers' associations that have conducted a concentrated drive against all organized labor in contravention to the national labor policy embodied in the National Labor Relations Act. The unfolding of this broader and more startling context of the activity of employers' associations in California agriculture is the subject of Part V.

AGRICULTURAL LABOR—BILLS INTRODUCED

Mr. LA FOLLETTE. Out of order I also ask leave to introduce on behalf of the Senator from Utah [Mr. THOMAS] and myself five bills and one concurrent resolution. I ask for their reference to the Committee on Education and Labor. One of these bills proposes an amendment to the Social Security Act, which

clearly is within the jurisdiction of the Finance Committee, but, through the kindness of the Senator from Georgia [Mr. GEORGE], I have at least secured his personal permission to have this measure referred first to the Committee on Education and Labor in order that this comprehensive legislative program may be considered by that committee as a whole. Of course, should it ever be favorably reported to this body, it would be understood that it would immediately be referred to the Committee on Finance, which has jurisdiction over such legislation.

There being no objection, the bills introduced by Mr. LA FOLLETTE (for himself and Mr. THOMAS of Utah) were read twice by their titles and referred to the Committee on Education and Labor, as follows:

S. 2860. A bill to amend the National Labor Relations Act by extending its benefits to agricultural labor on large industrial farms;

S. 2861. A bill to amend the Fair Labor Standards Act of 1938 by extending its benefits to employees on large industrial farms, and for other purposes;

S. 2862. A bill to regulate private employment agencies dealing with agricultural labor and engaged in interstate commerce;

S. 2863. A bill to provide for the fixing of wages on large industrial farms and affecting interstate commerce, to create an Agricultural Wages Board, and for other purposes; and

S. 2864. A bill to provide for the common defense; to provide for the general welfare of agricultural workers by amending the Social Security Act and the Internal Revenue Code to cover agricultural employment on large industrial farms with respect to old-age and survivors' insurance benefits; to establish a Federal Farm Placement Division within the Bureau of Employment Security of the Federal Security Agency; to provide a system of federal agricultural unemployment insurance; to raise revenue; and for other purposes.

COMMISSION TO INVESTIGATE UTILIZATION OF MANPOWER IN RURAL AREAS

There being no objection, the concurrent resolution (S. Con. Res. 34) submitted by Mr. LA FOLLETTE (for himself and Mr. THOMAS of Utah) was received and referred to the Committee on Education and Labor, as follows:

Resolved by the Senate (the House of Representatives concurring), That there is hereby established a commission to be composed of (1) three members of the Senate Committee on Agriculture and Forestry and three members of the Senate Committee on Education and Labor, to be appointed by the President of the Senate; three members of the House Agriculture Committee and three members of the House Labor Committee, to be appointed by the Speaker of the House of Representatives; and (2) the Secretary of Agriculture, the Secretary of Labor, and the Chairman of the War Manpower Commission or their alternates. The Commission shall select a chairman from among its own members. A vacancy in the Commission shall not affect the power of the remaining members to execute the functions of the Commission, and shall be filled in the same manner as the original appointment. The Commission is authorized and directed to make a full and complete study and investigation for the purpose of acquiring such information as will enable it to make recommendations to the President and to the Congress at the earliest practicable date on the—

(1) efficient utilization of manpower in the rural areas and farms of the Nation in the war and post-war economy.

(2) extent to which farm operators (owners, tenants, and sharecroppers) of small, inefficient, or submarginal farms should be converted to the war food- and fiber-production program by rehabilitation on efficient family-type farms.

(3) quantities, types, standards, and methods of public aid necessary or desirable to the conversion of farm operators of small, inefficient, or submarginal farms to full war food and fiber production.

(4) extent to which farm operators of small, inefficient or submarginal farms and their families should be encouraged and assisted to find more effective utilization in war and essential civilian industry and services nonagricultural in character.

(5) quantities, types, and methods of public aid necessary or desirable to the more effective utilization of manpower presently engaged on small, inefficient, or submarginal farms in nonagricultural war and essential civilian production and services on a full or part-time basis.

(6) any and all means of achieving a more effective utilization in the war effort of those engaged in part-time or subsistence agriculture and other seasonal occupations.

(7) quantities, types, and methods of public aid necessary or desirable to the transportation, housing (temporary or permanent), medical care and job training of seasonal or migratory agricultural workers.

(8) development and use of emergency, temporary, or untrained labor reserves for part-time or seasonal agricultural labor consistent with the war effort, the public interest and the interest of farm laborers of long standing who depend upon farm work as a livelihood.

(9) preservation or extension of public health and welfare services for the rural and farm population during the war and post-war economy.

(10) a program for assisting the reentry of demobilized members of the armed services with agricultural training and preference for agricultural employment into stable and useful agricultural occupations.

(11) measures necessary or desirable in the period of war and post-war readjustment to promote the policy of Congress to encourage and maintain the family-type farm, the security of the farm family on the land, and an adequate minimum standard of living for those who work on the land.

For the purposes of this concurrent resolution, the Commission or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods in the Seventy-seventh and succeeding Congresses, to employ such experts and such clerical and other assistants, to require by subpoena and otherwise the attendance of witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the Commission, which shall not exceed \$50,000, shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers approved by the chairman. Notwithstanding the provisions of section 3678, Revised Statutes, the Commission is authorized to utilize the services, information, facilities, and personnel of the departments and agencies of the Government represented on the Commission.

PRESERVATION OF FAMILY-SIZED FARMS

Mr. LA FOLLETTE. Mr. President, the series of five bills and one concur-

rent resolution which I have introduced today on behalf of the Senator from Utah [Mr. THOMAS] and myself propose to establish a new national legislative policy on a problem as old as civilization and as fresh as this morning's newspaper. That problem is the place of agricultural workers in our society.

The demands of the total war in which this Nation is engaged for an effective utilization of manpower and a maximum agricultural production require, in my opinion, an immediate consideration of this problem. Moreover, it must be treated, if we expect to stabilize economic freedom on the home front for the post-war world.

I digress, Mr. President, long enough to say that I have no doubt these measures will be misrepresented by those who will oppose them, but, as one of those who believe that the fate of democracy is linked with the economic fate of the family-sized, family-owned, family-operated farm, it is my firm conviction that these measures are calculated to help preserve the family-sized, family-owned, family-operated farm, and to prevent in part the encroachment of industrialized agriculture upon the concept inaugurated in the early years of the Republic, and further by the enactment of the Homestead Act in 1862.

Mr. McKELLAR. Mr. President, will the Senator from Wisconsin yield so that I may ask him a question?

Mr. LA FOLLETTE. I yield.

Mr. McKELLAR. The subject of manpower was discussed in the hearings by Administrator McNutt, and perhaps others, and I rather revolves around the question whether the use of manpower is to be on a voluntary or involuntary basis. The Senator from Wisconsin has evidently studied this subject very carefully, and I am wondering whether he has reached the conclusion that, in view of the fifteenth amendment to the Constitution, we ought to establish a form of involuntary servitude in dealing with the subject of manpower.

Mr. LA FOLLETTE. Mr. President, in the remarks which I intend to make this morning I am not endeavoring to treat the aspect of the situation to which the able Senator from Tennessee has referred. However, I will say to him that it is my firm conviction that, if any such drastic, sweeping, and revolutionary approach is intended, it makes all the more necessary a serious consideration of the problems with which the measures introduced this morning seek to deal, unless we are to be confronted with a condition which may accurately and fairly be described as involuntary servitude in the United States of America.

Mr. McKELLAR. I thank the Senator.

Mr. LA FOLLETTE. Mr. President, the legislative proposals to which I have referred are an outgrowth of our studies of the agricultural labor situation as a subcommittee of the Senate Committee on Education and Labor. We devoted the last phase of our investigations and public hearings in 1939 and 1940 to this subject. After an intensive survey on the west coast, where the great areas of "industrialized agriculture" predominate, we

heard the views of the outstanding non-partisan experts on farm labor in other sections of the country. Particular attention was given to the plight of the small or low-income farm family. The decade of the 1930's was found to be characterized as one of economic bondage, poverty, and wasted manpower for these disadvantaged groups. The reports of the committee, one of which I have filed today, provide a detailed analysis of this most important and pressing problem.

But the coming of the war, for the United States in particular, marked the end of active public concern with the Joads, the Jeeter Lesters, and their real-life counterparts. Now, however, the economic cycle has turned from an era of labor surplus to one of labor scarcity. The tragedy of waste and wasted manpower in agriculture again has become of vital concern to the Nation as well as to the inarticulate victims.

Having analyzed its conclusions on the problem formulated in the perspective of the late thirties and found them equally appropriate to a solution of the current war situation, the members of the subcommittee believe it timely to submit concrete proposals for the consideration of Congress.

THE CURRENT LEGISLATIVE PROBLEM

About 1 out of every 5 of those gainfully employed in the United States works on the land producing food and fibers. These laborers include working farm operators, either owner or tenant, sharecroppers, family labor, and wage laborers. These eleven-million-odd workers till the soil, harvest the crops, and care for the hundreds of millions of chickens, dairy cattle, and animals raised for slaughter. They and their families constitute a quarter of our national population, or more than 30,000,000 people.

They are too important a group numerically to be mishandled. As arms are necessary, it takes food to win the war and reconstruct a ravished and famished world. Maximum manpower utilization for total war must take agricultural labor heavily into account. Their stability is an important element in any enduring political and economic structure after the war.

About 3,000,000 of these 11,000,000 agricultural workers—about 1 out of every 4—are wage laborers. Their plight was an unanswered reproach to national conscience in years of peace. Deprived of the protection of labor legislation, employee organization, or even dependable and steady employment, these agricultural wage workers have suffered for years under a serious national discrimination.

It is no coincidence that when manpower came into demand because of our all-out war effort the agricultural wage laborer, particularly the migratory, part-time worker, who depended on industrialized or commercialized agriculture, sought to escape from his bondage of poverty and misery to the armed services and the urban factory. As a result there is no reliable agricultural labor supply. It is claimed on all sides that the Nation faces a serious farm labor shortage. This lack of a dependable

labor force for agriculture threatens the "Food for Victory" program. In the long years of war ahead it may become a fatal defect in our national armor. Naturally there are calls for a "work on the farms where you worked before or fight" policy. The next step, of course, in this line of reasoning is to "freeze" men in their jobs, as suggested by the question of the Senator from Tennessee [Mr. McKellar].

Passing any discussion of the desirability or necessity for either of these measures, it is quite clear that a necessary preliminary to any wartime handling of farm labor is to give that labor the dignity, standards, and rights accorded to other job occupations under our laws. "Job freezing" for agricultural labor under present standards would only be self-defeating and a source of national shame. I refer in particular to the migratory, part-time laborers. Indeed, in many low-wage sections it would approach "involuntary servitude," if not achieve it. No solution to this farm labor problem that does not apply the principles of the Atlantic Charter to men on our fields and farms will be effective. Stated another way, any manpower policy that controls farm labor will fail in its objective unless it creates a reliable, capable, and spirited labor supply that will have a stake in working to win the war, and realize that it has such a stake. If farm labor is given something of the status of other occupations, extreme methods of "job freezing" for agricultural labor may not become necessary.

The five bills introduced today would raise these standards and give farm labor the rights labor in an economic democracy should have. They would constitute a new legislative policy for farm labor that will promote the winning of the war. They would further the Four Freedoms at home and lay the foundation for a successful solution of the problem of farm labor after the war.

Mr. HILL. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. HILL. Is the Senator going to give us the gist of the measures?

Mr. LA FOLLETTE. I shall summarize them very briefly and at the conclusion of my remarks I had intended to ask that they be printed in the RECORD. I might just as well do so now. I now ask unanimous consent, Mr. President, to have the bills, the concurrent resolution, and an analysis of each, printed in the RECORD as part of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, the order is made.

(See exhibits at conclusion of Mr. LA FOLLETTE's remarks.)

Mr. LA FOLLETTE. Mr. President, around eight million of the eleven million agricultural workers—about three out of four—are farm operators, owners or tenants, sharecroppers, and members of their families who regularly assist in the farm work. This is a great reservoir of underdeveloped manpower for our national war effort.

Large numbers are underemployed, working on inefficient or submarginal farms. They occupy large numbers of

farms on land unsuited for agricultural production while other good farms are idle or undermanned. They work additional numbers of farms which are too small to afford more than part-time employment although they may furnish subsistence to the worker and his family. Off the farm employment is not readily available to many in the locality. I may emphasize that the group of which I am speaking numbers not hundreds of thousands, but millions.

They suffer from the rural poverty that is a veritable blight in whole States and regions. They must become more productive for themselves and their families, and now, most of all, for their country, and for our allies who are joined with us in this total war effort. Otherwise we will fail to bring to the world cataclysm a population fully mobilized for war and wedded to democracy as the way to economic security and freedom.

The concurrent resolution submitted by me would authorize the establishment of a joint committee of the Senate and House to investigate certain specific phases of the problem of this small "family farmer" group. Such an investigation is needed in order to provide a firm and consistent pattern for the operation of such curative agencies as the Farm Security Administration. The entire program of that most vital public organization has been placed in jeopardy because of disagreements in Congress. There is, in my view, a general lack of understanding of the relationship of its work to the war and post-war problems of agriculture. Only a consistent and informed course of legislative action can permit the small agricultural producer to be converted to levels of war production. We are all eager to assist the conversion of the small manufacturer to war production. That is sound, it is vital, but I say it is equally vital that we should assist the small farmer to contribute his maximum to winning the war, and achieve a permanently useful and efficient place in our society.

I submit that all these legislative measures are properly viewed as bills vital to the war effort. Certainly if we view food as important as other supplies, manpower as a precious productive and military asset, no other conclusion is tenable.

LEGISLATIVE BACKGROUND

From time immemorial, the type and conditions of labor on the land have constituted grave economic, social, and political problems. The bulk of the world's population has been usually engaged in agricultural work. Agrarian conflicts have colored the pages of history with bloody and somber hues. From the period of classical antiquities in Greece and Rome to the post-war struggles in eastern Europe, the relationship of men to the land they work and the fruits of their labor has been the nub of endless tyranny and bloody conflict.

Slave labor has too often dominated, representing the principal alternative to a system of occupation by small owners. In the medieval centuries, outright slavery as an institution in European civilization was replaced by a feudal system. That system, however, permitted the rankest exploitation of those who tilled

the soil by those who held some special control. The French Revolution and the more gradual British reform did not obliterate the problem of agricultural labor in western Europe. Feudalism was finally shattered, but the lot of the yeoman who became the agricultural wage laborer did not improve substantially. Enclosures, the industrial revolution, and the poor-law system in England produced a landless laborer to whom revolt or migration to a new world were the only feasible alternatives. Land ownership in the modern sense became the only device whereby the agricultural worker could achieve even relative economic freedom on the land.

Hence, all over Europe and in the Colonies the pursuit of rural happiness was directed to the attainment of rights of property in the land upon which men worker and lived. In the Old World the struggle for peasants' rights to the soil became a major theme in the battle for freedom. The North American Continent, particularly the United States, became the cockpit for the rival traditions of agricultural labor—slave or free. The notion of a family owned and operated farm, subject to nothing but the taxes of the sovereign and levy for debt, flowered to become the most esteemed concept of the independent rural democracy, idealized by Thomas Jefferson. The competing system, a slave system, found strong root in the vast stretches of tobacco, rice, and cotton.

A bloody civil war was fought. A major question in the war was the nature of the system of land operation which would dominate in America. The Homestead Act of 1862 was the legislative expression of the national policy of encouraging individual family-owned farming units as the basis of rural democracy.

Seventy years of agrarian struggle for economic parity with a dynamic industrial development brought the Nation to an agricultural crisis in the 1920's which culminated in the depression of the 1930's that was long foreshadowed to those who had studied the history of the economic situation confronting agriculture. Reliance upon the family-farm pattern of independent operators, the cultivation of a tradition of an agricultural ladder that permitted the laborer to aspire to ownership, and the opportunity to obtain public-land grants had caused the Nation to forget the problem of economic democracy on the land. A rude awakening came with a decade marked by foreclosure riots, sharecropper revolt, widespread strikes of agricultural wage workers, a parade of displaced farmers from the land, and the disclosure of severe rural poverty among one-third of the six-million-odd farm operators in the 1930 census.

In 1938 and 1939 the subcommittee of the Senate Committee on Education and Labor, composed of the Senator from Utah [Mr. THOMAS] and myself, undertook an inquiry into the background of a series of violations of the civil liberties of California's farm workers. This investigation was begun as a part of our 4-year survey of violations of rights of free speech and assembly and undue interference with the right of labor to organize and bargain collectively.

Our findings on the economic and social background of the farm labor problem in California were the subject of a recent report presented to the Senate. These findings appear in Senate Report No. 1150, part 3, of the Seventy-seventh Congress, second session. The volume is entitled "The Disadvantaged Status of Unorganized Labor in California's Industrialized Agriculture." Our conclusion was that the outbreak of violence and strife in California's agriculture was only the most recent storm signal of a profound and long-standing maladjustment in the lives of millions of hired farm workers and small farmers throughout the Nation. We recommended that a series of specific new public policies for agricultural labor be adopted.

Today I filed with the Senate a fourth report on "Employers' Associations and Their Labor Policies in California's Industrialized Agriculture." This report is Part 4 of Senate Report No. 1150. Our conclusion in this report was that it is essential to re-appraise the existing public policy, which leaves complete control of employer-employee relationships in what was termed "industrialized agriculture" in the hands of employers' associations, beyond the reach of tempering employee sentiment through trade-unions and protective public regulation. We concluded that a review of the present policy of exempting labor in "industrialized agriculture" from national and state labor legislation should be reviewed; that the obvious unlikelihood of an early effective development of associations of agricultural laborers, enjoying an equality of bargaining power with associations of agricultural employers, calls for an extraordinary degree of attention to the passage and enforcement of protective legislation for agricultural labor.

We pointed out in the report that there is likely to be a bitter and determined opposition to a shift in public policy of this character. It will be generated by the various associations of large agricultural employers and allied industrial groups. Guided by their own self-interest, they act collectively for the purpose of manipulating the labor supply, setting and adjusting wage rates, and in general providing a standard of treatment of employees in agricultural industry that is to the employers' advantage. Their handling of labor supply is predicated upon creating and using a surplus. We predicted that the protests that the rights of individual employers would be infringed upon by such legislation will come largely from those who have destroyed individualism in agriculture by resorting to industrial methods in agriculture and by using employers' association to carry out collective unified programs of labor policy.

I reemphasize, Mr. President, that in my effort to help to protect and preserve the concept of the family-sized, family-owned, family-operated farm, I have devoted much time to a study of this industrialized agricultural problem. Let me say again what I have said on so many occasions on this floor, that it is a common and human failing not to realize far-reaching economic changes until

they have swept over our past concepts and obliterated them, perchance beyond recall. Since the days of Jefferson and the early history of this Republic—furthered, as I have said before, by the Homestead Act of 1862—we have had a national concept, if I may phrase it in that fashion, of the family-sized, family-owned, family-operated farm. We have gone on believing that it was the tradition, that it was prevailing in our time and generation, whereas, Mr. President, economic forces are already at work in this Nation which, if they are not brought under proper public control, will ultimately, in my judgment, wipe out that entire concept and obliterate the family-sized, family-owned, family-operated farm. I fear that unless we attend to our business, we shall ultimately have a predominance of industrialized agriculture in this Nation such as we already have in certain sections of the country, particularly in California. I venture the further prediction, Mr. President, that if that ever comes to pass it will bring in its train the most fundamental, the most sweeping, and the most far-reaching changes in our economic and political environment that this Nation has experienced in its 150 years and more of existence.

We have concluded that a continued indulgence of the monopolized control of the incidents of the employer-employee relationship in the employer and employee groups cannot be successfully urged as a desirable or efficient condition in an economic system based upon accepted concepts of economic democracy.

On our return from California in the spring of 1940, a check-up on the situation in other areas impelled the committee to call a brief series of hearings on the national farm labor problem. These latter hearings were not directed primarily to a disclosure of efforts to strangle attempts to secure adjustment of discontent through collective bargaining. They were devoted to the greater tyranny of economic and social misery suffered by millions of wage workers and working farmers in the past decade. A succession of the best-informed and most unbiased Government experts available recited a series of facts and opinions which deserve the attention of thinking people. These hearings were subsequently published in three volumes. They speak for themselves.

The subsequent hearings and reports of the House Committee on Interstate Migration of Destitute Citizens, headed by Hon. JOHN TOLAN, of California, provided a wealth of additional valuable information concerning the conditions in rural areas which led to the rural migrations of the past decade and the conditions which the migrants encountered in their search for security.

Only one conclusion was tenable on the record of the hearings of these two committees since published and distributed, namely, that the Nation should restate the national ideal of the place of agricultural workers in our society. Poverty, insecurity, low hourly and annual wages, inferior housing and living standards, child labor, the absence of adequate health and educational serv-

ices, underemployment, unemployment, undirected and unnecessary migrancy, and a lack of any substantial opportunity to exercise the civil rights of labor—these were revealed as the lot of the great portion of the Nation's agricultural wage laborers.

This same disadvantaged status appeared to have spread to large numbers of family farms, affecting owner and tenant alike. They were persistently faced with the competition of cheap farm labor, mechanization, drought, debt, and the movement toward large-scale commercialized agriculture.

I wish to point out, as is shown beyond peradventure in the hearings, that the tendency toward commercialized or industrial farming is not confined to any one section of the country. It is manifesting itself all over the United States.

Most outstanding in all that testimony was the repetition on one theme, the existence of a surplus of underemployed and unemployed, real and disguised, in the Nation's rural areas. Unused and wasting manpower was the constant refrain. Agricultural areas were said to be burdened with a reserve of four or five million unemployed or underemployed. That was the paralyzing fact that seemed to make any measures other than full employment for all inadequate. Simple relief, a few F. S. A. camps, and the other remedies limited by inadequate appropriation, such as the rural rehabilitation and tenant purchase program, seemed desirable; but, cast against the background of the existing problem, they seemed totally inadequate.

Oddly enough, these hearings were interrupted and cut short by the fall of France. The Nation turned to the task of girding itself for the military struggle that loomed ahead. Before 2 years had passed, we witnessed the creation by Executive order of a War Manpower Commission, designed to relieve the impact of manpower shortages on war and essential civilian industry.

One of the first items of business for this Commission was the question of facilitating the importation of Mexican labor to work on the farms of the Western States. No major industry has been so vocal in its cries of labor shortages as industrialized agriculture.

A newspaper in any section of the country seldom appears without reference to the farm labor problem, present or potential. An avalanche of letters, petitions, and telegrams descends upon Congress and the executive departments, pleading for preparation for assuring an adequate farm labor supply. Congressional committees are seeking the views of officials from the Selective Service System and the War Manpower Commission. The farm labor supply problem cries for speedy and adequate treatment.

It is said that the "Food for Victory" program is in jeopardy. From Maine, where the importation of potato pickers from Quebec was requested, to Texas and California, where the cry for Mexican importation is heard once again, agricultural industry calls for help. The problem on the family-sized farm is acute, and growing from week to week. As I pointed out during the debate on the

recent price-control bill amendments, in my State an unprecedented number of sales of dairy stock and farm machinery are being conducted by those who find it impossible to carry on their operations because of the farm labor shortage.

The great farm factories dependent upon wage labor seem to be in for a long siege of trouble. Schools are being let out early and opened late; school children are being mobilized; a women's land army is going into action, it is said; even some of the local townfolk are learning the joys of day-long sugar-beet picking. But despite all of these emergency expedients, the future promises no solution without new measures.

Indeed, many of those who refused to take seriously the sad plight of the underemployed migratory farm worker of the thirties now find that, after all, he is a very important fellow. He is a man. America needs men. The wasted months of the tenant, sharecropper, or low-income farmer, characteristic of each year, can no longer be viewed as solely their individual problem. An efficient use of manpower in the field of agriculture is necessary for a speedy and complete victory. Yes, Mr. President, it is necessary and essential for victory at all. It is essential to all-out war. It is readily apparent that efficient utilization of the 10,000,000 agricultural workers—farm operators, family labor, and hired labor alike—is necessary to any real attempt to maximize manpower in the war effort.

By 1943 our armed forces and industrial war production are expected to take a heavy additional labor supply from agricultural work. It is estimated that 2,000,000 persons have entered the armed forces, moved away from farms, or accepted nonfarm work since April 1940. Replacements, provided by natural increase and women and children, have been estimated at 1,000,000, leaving a net loss of 1,000,000.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. AUSTIN. Can the Senator state what the present pool of available farm laborers may be?

Mr. LA FOLLETTE. I have no figures on that subject which I regard as being recent enough to be of any value.

Mr. AUSTIN. I thank the Senator.

Mr. LA FOLLETTE. But we know from figures, which I believe are reliable, that there has been a net loss on the farms of 1,000,000 persons since April 1940.

In the next year an additional 1,300,000 are expected to leave the farm labor market, according to information which I have received. More, many more, could be used in the factory or in the Army. These figures in themselves show that the stakes are large.

How and on what terms will the agricultural labor necessary to the "Food for Victory" program be provided? How can we maximize the effort of the millions remaining on the land? What national policy must we now adopt to treat this problem?

THE ISSUE—AN EFFICIENT AND DEMOCRATIC MOBILIZATION OF FARM LABOR

Two courses may be used in meeting the problem of agricultural wage workers.

The first alternative would continue the existing method of handling the three-million-odd workers and their families who depend upon wage employment on the land. This would call for more of the same discrimination, mistreatment, and unthinking action that has been customarily accorded this group by industrialized agriculture. Their lot would only be blacker because the hope of escape or relief inherent in a rising labor demand would be dashed. Their contribution to the war effort would be delimited. "Business as usual," rather than effective manpower utilization, would hamper the war effort and leave our "Food for Victory" program in peril.

What are the hallmarks of this retrogressive course of action?

It would indulge the maintenance of inefficient and wasteful practices of hiring and employment, while listening sympathetically to accounts of labor shortage on industrialized farms.

It would resist the organization of the farm labor supply through a public employment exchange clothed with adequate authority and staff, while insisting that school children, women's land armies, and imported Mexicans be mobilized.

It would insist that there be two hands at the gate for every job, or whatever was adequate to maintain substandard wage scales, not to harvest crops.

It would destroy any remaining vestiges of stability in the agricultural labor market by throwing into it mobilized reserves, without providing adequate safeguards for those who depend upon it for a living. It would pull in additional labor supplies without attempting to extend the period of annual employment of the available supply. It would use 100 hands 100 days a year, rather than endeavor to utilize 50 men 200 days.

It would maintain wage and working conditions that inevitably would mean freezing of men in jobs they do not want, or the loss of the remaining trained agricultural wage workers to more desirable jobs in industry. It would maintain in industrialized agriculture substandard wages.

It would leave untouched in many areas the housing, transportation, and health problems of agricultural migratory workers now vital to our agricultural program, because of some weird notion of false economy.

It would drown out all complaint, all discontent, all potential labor trouble with a flood of excess labor reserves and old methods of repression. It would resist the provision of any forum where the differences could be considered or decided by an authorized public tribunal that would include representatives of both employers and employees.

It would offer no final solution, but a "work where you worked before—regardless" policy. It would leave the agricultural labor market in the same old rut, holding out no hope for the

future, but the lot of misery that has been accorded particularly to the seasonal, part-time agricultural worker for decades past. It would leave our whole war agricultural program and plans for the Four Freedoms at home with an Achilles' heel of serious proportions.

The other approach to the problem of the wage worker in industrialized agriculture would give this class of labor a real, permanent, and desirable stake in the fruit of the land which they till and the country to which they belong. By decasualizing the industrialized agricultural labor market, longer periods of regular and annual employment without unnecessary migration, with some job security and preference for regular workers, could be provided. By establishing a method for determining fair wages for the labor performed, the incentive to employers and their pressure associations to maintain an excess labor supply to perpetuate substandard wage scales would be eliminated.

By extending to industrialized agricultural labor the benefits of labor legislation that provides social security minimum wages and protection of collective bargaining, the regular and experienced agricultural workers could be given a stake for the future in the agricultural labor market. The unhappy necessity of freezing hundreds of thousands of workers in a living pattern of which we cannot be proud might be obviated. Should job freezing become necessary, the tinge of involuntary servitude would be eradicated to some extent. The men would be frozen into jobs carrying the dignity, status, and rights of other occupations.

Likewise two courses are open in the treatment of the 8,000,000 agricultural laborers who work as farm operators, tenants, sharecroppers, or family labor. Large numbers of these can be permitted to live, as they are living now, at extremely low levels of productive effort because only part of their time is utilized on the small or submarginal farms which they now operate.

This deficiency may result also from the lack of appropriate facilities, stock, and other farm supplies. With better facilities their labor power could be made fully productive. It is a shocking waste of manpower in this war effort to leave men on submarginal farms. Many able-bodied citizens should be released to more constructive employment in war industries, or their farms rehabilitated, if practicable, so as to make a maximum contribution as efficient family-sized farms. Conversion of men on the farms to war agriculture or war industry on an efficient basis is a job well worth doing. Underemployment and a waste of human energy and resources in agriculture must be eliminated as a war manpower measure and as a basis for a better post-war agricultural society.

This situation presents an issue to the Nation. That issue is whether the 11,000,000 agricultural workers in the United States are to be mobilized for war according to a slave or peasant pattern or according to more efficient and democratic standards that will serve to max-

imize our national war effort and lay the foundation for a solid, enduring post-war agricultural economy.

SUMMARY OF PROPOSALS

The five bills which are being introduced to deal with industrialized agricultural wage workers would create a national policy for the treatment of this group for both the war and post-war period. These bills would constitute a rounded and cohesive series of measures. They would attempt to promote an efficient utilization of wage labor in agriculture that would secure both the "Food for Victory" program from the wage-labor side and the success of effective national manpower mobilization in the field of agriculture. They would accomplish these war aims by means of and according to a set of standards that would make agricultural labor a desirable employment. The same statutes and standards which our democracy has accorded to other forms of labor would pertain to agricultural wage labor, and, thereby, give these millions a stake in victory and a stable order thereafter.

The first bill, called the Agricultural Employment Stabilization Bill, would provide for the decasualization and stabilization of the agricultural labor market through public employment exchange operations accompanied by social security guarantees of old-age and survivor's insurance, and a specially adapted form of unemployment insurance. The latter form of unemployment compensation would be designed to meet and minimize underemployment and seasonal or intermittent unemployment, which inflict so much employment insecurity upon agricultural wage workers and waste of labor power on our economy. In wartime the operations of the public employment exchanges for farm labor would be responsive to the directives of the War Manpower Commission; in peacetime they would serve as employment stabilization measures.

The second bill, called the Agricultural Wage Board Bill, would establish a system of agricultural wage boards for the purpose of determining fair wages as distinct from minimum wages, for the employment of labor in industrialized agriculture. In wartime these operations would be coordinated with the War Labor Board activities. The wage determinations would be subject to veto by that body in accordance with the recently enacted anti-inflation measures and the Executive order setting up a Director of Economic Stabilization.

The third measure, called the Agricultural Labor Standards Act, would extend the benefits of the Fair Labor Standards Act of 1938 to employees in industrialized agriculture, namely, the right to be paid a certain minimum wage and to work only maximum hours except with overtime.

The fourth bill, called the Agricultural Labor Recruitment Act, would regulate the operation of private employment agencies, labor contractors, and other forms of private recruiting in the field of industrialized agriculture. It is similar to H. R. 5510, Seventy-seventh Congress,

first session, which is better known as the Tolan bill, except that the bill introduced today is confined to agricultural labor. The bill introduced by Representative JOHN TOLAN in the House, and the subject of extensive hearings there, particularly as it applied to agricultural labor, is also responsive to the record of testimony before the subcommittee of the Senate Education and Labor Committee on the unregulated abuses of private recruiting of agricultural labor.

The fifth bill, but one of the most important, which will ultimately be the keystone arch of any enlightened national policy in this field, is called the Agricultural Labor Relations Act. It would simply extend the benefits of the National Labor Relations Act to include those individuals employed as farm laborers in industrialized agriculture.

In connection with these five measures introduced today, I call the attention of the Senate to S. 2057 which was introduced in November of last year. It would amend the Fair Labor Standards Act to regulate the use of children as agricultural wage laborers on other than the "family farm," thus removing this outside employment of children from its present dependence upon the attitude of local school authorities who may be subject to local pressures and prejudices. This bill would eliminate a specific exemption for children employed in agriculture and place such employment in the same category as children employed elsewhere, allowing for the employment of those between the ages of 14 to 16 with the permission of the Children's Bureau of the Department of Labor.

Certain of these measures require little explanation at this time. The extension of coverage to agricultural labor under the National Labor Relations Act, the Fair Labor Standards Act, and the laws regarding old-age and survivors' insurance raises fairly obvious issues. We are all familiar with the workings of those acts. Likewise, the abuses that accompany private recruiting of agricultural labor through labor contractors and employment agencies present a problem of regulation which is not novel. Accordingly, I shall request that they be printed with only brief explanatory notes at the conclusion of my remarks.

The two measures which have been called the Agricultural Employment Stabilization Bill and the Agricultural Wage Board Bill do require some further explanation. Rather than discuss them in detail today, I have prepared an analysis of these two measures as they relate to the war problem of farm labor. For the convenience of the Members who may wish a ready reference I request that this statement, together with the bills, also be printed at the conclusion of my remarks. It is entitled "Analysis of the Agricultural Employment Stabilization Act and the Agricultural Wage Board Bill."

Around the basic legislative framework embodied in these proposed measures certain collateral activities now authorized or in contemplation can be carried on to greater advantage through existing administrative agencies. For example,

the Farm Security Administration camp and health programs could proceed on a more solid and firmly organized pattern. The camp program could be expanded and designed more accurately according to specifications that take into account the number of regular farm laborers resident in a particular locale and the deficit requirement for which temporary housing facilities must be provided.

Similarly, the permanent medical and health program embodied in the Agricultural Workers' Health and Medical Association would have more stability. Over-all planning for transportation, deferment, priorities, and job-training programs, to be carried on under the supervision of the War Manpower Commission, could be made applicable to agricultural wage labor.

The problem of transportation of migratory labor is particularly significant and must be handled on a well-organized basis to meet a well-defined demand. The necessity for making the most efficient use of our shrinking transportation facilities and of conserving rubber and fuel is another imperative reason why we must adopt some such plan as is proposed for full utilization of agricultural labor. Workers and their families who in the past have moved to and fro in search of jobs in their jalopies—ancient rattle-trap automobiles—cannot continue to do so. Within the year millions of the country's automobiles may be taken from the highways for lack of tires. When these go from the roads, you can be sure that all the superannuated crates that migrant agricultural workers use for travel will be among them. An official of one of our war agencies already has asked that the jalopies "commit suicide."

The movement of workers to and from the crops will have to be carried on in trains and busses and in the trucks and passenger cars that continue to be available for this purpose. Needless to say, this movement of several hundred thousand people for millions of passenger miles each season will place a tremendous additional burden on our remaining transportation facilities. This burden must be minimized. The only way this can be accomplished is by planning the movement of farm labor only when it is needed, in the amounts needed. Such a plan logically could be worked out by the Federal Employment Service under the proposed legislation. The Employment Service would know both the labor requirements of the agricultural areas and the amount of transportation facilities needed to supply the demand for workers. It could organize the movement of labor in an efficient manner, now impossible under the current arrangements.

The foregoing summary deals solely with the problem of hired farm labor. The other phase of the agricultural labor problem concerns the small farmer who works on the land as an owner, tenant or sharecropper, and his family labor. The proposed resolution, previously referred to, would authorize an investigation, by a committee representing both Houses of Congress, of the ways and means of fully utilizing them in the war effort.

The policy of the Federal Government in treating this substantial population group is in a state of great uncertainty. We are all too familiar with the recent differences between the House and Senate on the extent of appropriations for the Farm Security Administration, rural rehabilitation, and tenant purchase programs. That difference is symptomatic of the need for a thorough public investigation and determination of the facts on which a consistent public policy can be based.

As a member of the joint committee on the reduction of nonessential expenditures, I took occasion to dissent from the findings of that committee. They were based upon brief hearings and scattered testimony taken largely from secondary sources and carefully removed from public scrutiny by executive sessions and confidential hearings. I said then and I restate now that the study and recommendations of the joint committee on reduction of nonessential expenditures concerning the Farm Security Administration are unsound and have developed only a confusion of congressional policy that is bound to do great damage.

We are willing to expend vast sums of money for converting so-called small manufacturing businesses to war work. I gave my enthusiastic support to legislation looking to that end. My only regret is that it has not been carried out with more vigor and success. That is a justified and wise public policy. But as yet Congress has not faced squarely the equally important problem of converting our small farming enterprises to the "Food for Victory" program in the proportion that may be necessary if we are to win the war. By the same token, we have not attempted to plan for the adjustment of the underemployed farming population on small subsistence and submarginal farms to the necessities of a full manpower mobilization for war.

I say, Mr. President, that we cannot give this problem too earnest consideration, for, if my fears are realized, unless constructive and vigorous action shall be taken by the Congress and the Executive, we will fail not only to furnish our allies with the food which they will require, but we will face the grave danger of food shortages in the United States, which may impair the efficiency of our labor forces in producing the materials needed by our armed forces and the civilian population. I cannot overemphasize that this need is immediate and pressing.

We must have the facts publicly explored and a legislative decision arrived at which will be consistently followed for the duration of the war.

THE CURRENT PERSPECTIVE

It seems only fitting to outline the perspective in which these measures must be appraised beyond the immediate and inexorable necessity of achieving a maximum utilization of manpower for the winning of the war. That necessity needs no further emphasis. It is accepted. The other aspects of the situation require some elaboration.

We are engaged in the greatest and most dynamic struggle the world has yet witnessed. There is a global war. Fight-

ing rages daily in every ocean. All of Europe, Asia, and Africa are engaged. Australia is threatened. Even the North American Continent feels the foot of the invader on the Aleutian Islands. The consequences are bound to be earth shaping.

It was the failure of democratic governments to solve their economic problems that more than any other one factor turned the disheartened and disgruntled peoples of Europe over to the hands of a new type of demagogue who combined sugary promises with a brutal direct action.

That historical lesson should not be lost upon the Congress of the United States. Upon that body has fallen the mantle of representative government. Is it fit to survive in a world that demands freedom from want from its governors? Can it plan and act? Have we lost the ability to see the problems of our constituents and legislate creatively to meet them? These are questions that we must ask ourselves. More important, these questions are being put and answered by others in the press, market place, shop, and farm. Upon those answers much of the pattern of the future depends.

The supremacy of democratic systems of government cannot be established in the hearts of the people of the world solely by a victory at arms. The advocates of autocratic or "fuehrer" rule the world over will win inevitably unless the Congress of the United States, with the leadership and advice of the Executive, demonstrates that democratic government according to our pattern can successfully cope with the problems of a changing world. It is only by workaday, persistent effort that this body and its various legislative committees can forge the instruments of legislation that will prove to the people of this Nation and the world that freedom from want is attainable through the ground plan of democratic government established in our Constitution.

I challenge the proposition that we freeze our economic and social order as of December 7, 1941. The carefully cultivated theory that Congress and the President should abdicate their constitutional duty to preserve and extend democracy on the home front until hostilities cease is the counsel of either defeatism or reaction. Many who urge it have not hesitated to attempt to destroy many of the hard-won gains of the last decade for the disadvantaged and underprivileged on the altar of false economy or fancied war necessity. The status quo concept of democracy cannot be accepted. We either go forward or backward. This is a dynamic era.

Many have asserted that the failure of the United States to solve its internal economic and social problems was the greatest single threat to our ideals of democratic government. Others have urged, with equal sincerity, that the prime menace was physical aggression of foreign totalitarian force. The plain fact is that both elements now gravely threaten. Regardless of past differences, the United States has both battles to win. Defeat on either front will mean the loss of both.

A legislative concern with post-war planning is not enough. I yield to no one in my advocacy of the desirability of the immediate establishment and continued encouragement of appropriate legislative and executive search for a public policy designed to treat the situation that will occur on the cessation of hostilities. But such post-war planning is no substitute for the necessity of advancing economic, social, and political democracy on the home front today, tomorrow, this year, and every year, and as casualty notices increase, Mr. President, until they finally descend upon the homes of America like snow in a blizzard, that urgent necessity will become more and more vital.

As a coordinate arm of the Government, Congress has one supremely important task in addition to supporting assiduously the total war efforts under the leadership of the Commander in Chief. It has the responsibility and the opportunity to suggest, analyze, report upon, and enact legislation in furtherance of the Four Freedoms here at home in these United States.

In this context I urge the early and careful attention of this body to the proposed farm labor legislation which has been introduced today, and to the concurrent resolution. Their passage will do much to assure every able-bodied American who works on the land a full day's opportunity every day to beat the Axis.

EXHIBIT A

ANALYSIS OF AGRICULTURAL EMPLOYMENT STABILIZATION ACT AND AGRICULTURAL WAGE BOARD ACT AND THE WAR MANPOWER PROBLEM IN AGRICULTURE

The relationship of the proposed Agricultural Employment Stabilization Act and the Agricultural Wage Board Act to the current manpower problem in agriculture is well defined. They would attempt a regulation of the labor market and conditions of employment on large industrialized segments of agriculture. They would achieve a more efficient use of manpower in this industrialized agriculture according to standards of employment designed to attract or retain a reliable and desirable labor supply.

The purpose of the first-named bill is to achieve a utilization of wage labor in agriculture that will minimize the evils of underemployment, unnecessary migration, job insecurity, and disorganized hiring and recruiting. These are the factors that spell wasted manpower.

Title I of the proposed bill is a revision of the existing Social Security Act to bring agricultural labor in industrialized agriculture within the provisions of the Federal old-age and survivors' insurance program. In so doing, however, it would not place any taxing and administration burdens on those farmers who employ less than four persons at all times during the calendar year, and it would also exclude those farmers who employ a larger number for short periods if their total annual wage bill during the calendar year for agricultural employment was less than \$1,000. Hence the agricultural laborer would not be credited with coverage for any periods of employment with such operators. This expansion of old-age and survivors' insurance to labor in industrialized agriculture is administratively feasible. It will serve to remove a discrimination between urban and rural employment which is illogical and detrimental to any stability in that occupation.

Title II goes to the very heart of the manpower problem. It would expand the functions of the Federal Farm Placement Division of the United States Employment

Service so as to permit it to handle the agricultural labor market in a manner designed to: (a) Concentrate the bulk of available agricultural employment on the smallest number of workers and provide them with job security and job seniority in the agricultural labor market; (b) Lengthen the period of annual employment to an efficient maximum for those, selected as regular employees; (c) Regulate the flow of agricultural employment and organize the orderly migration of domestic farm labor to promote the foregoing purposes. Those who have some knowledge of the important role of seasonal, periodic, and part-time workers in agriculture will know that such a measure strikes at the very heart of the problem of attaining an efficient utilization of manpower.

It is contemplated that the Director of the Farm Placement Division, through its regional and local offices, would come to occupy the function of a full-powered public employment exchange of the type long used in England. Each local employment office would perform the function of a public employment exchange for farm labor in a defined locality. Its activities would be synchronized with other localities by a regional supervisor. In turn, this activity on the regional basis would be coordinated on a national basis by the director. All persons available as agricultural laborers for all or part of the time would be registered and carefully classified by the local employment office into three groups—regular, reserve, and emergency. The basis of selection would be according to qualifications, experience, and length of residence. All farm laborers employed on full-time year-round jobs for a substantial period of time would be qualified as regular employees. There would be a proviso that all residents of a given period of time within a locality who are available and experienced as farm laborers and migratory farm workers of long standing would be given uniform preferential treatment.

Likewise, the local manager would collect from participating employers of agricultural labor full information concerning working conditions, and types and quantities of labor demand. Those selected as regular agricultural laborers would be kept at a minimum necessary to satisfy the regular and usual demand for agricultural labor within the locality that had a substantial consistency. For example, be it assumed that the demand in the locality called for 3,000 hands for 45 days, 1,000 hands for at least 180 days, and 500 hands for 250 days. The regular group might be selected to number between 500 and 1,000 and preferred for employment for the greatest possible number of days. The reserve group would be called upon only to meet extraordinary and peculiar demands that occur for brief periods during the year. The emergency list would be called upon in event of excessive labor shortages due to unforeseen and uncontrolled causes, or in case the reserve lists proved inadequate.

A system of borrowing workers from active lists of the various local offices of the region is prescribed to aid in lengthening the annual employment of the regular agricultural labor force for a particular region. For example, the regular list in locale A given 180 days of employment in locale A might be given the first call on 30 days of work in each locales B and C at the times they were not needed in locale A. By careful coordination of locales in a region and between regions, migration could be planned and organized and the maximum work concentrated in the fewest number of men selected for their experience and period of service.

This process of decasualization would affect most vitally the seasonal, intermittent, or part-time laborer. Every effort would be made to maintain existing full-time em-

ployer-employee relationships of any permanence. Thus, the full-time dairy workers, for example, would continue at their present positions. Only if the work was part-time or intermittent would the employment exchange operate to disturb previously existing employer-employee relationships. Even then preferences of employers for particular employees, and vice versa, would be taken into account. The farmer with 1 or 2 regular hired men would not be affected.

The question naturally arises as to how a substantial or adequate group of agricultural employers will be encouraged to use the public employment exchange to a degree that will make its operations feasible. Obviously, the exchange would be completely ineffective unless a substantial group of employers would draw their labor supply from it almost exclusively. Furthermore, agricultural employment on a wage-labor basis is not year round and cannot be made so except in case of the single foreman or hired man, the dairy farm, or the large-scale plant that requires the constant attendance of a few employees. How are those who work as seasonal or part-time laborers then to be cared for in their periods of idleness, some of which are inevitable no matter how carefully the flow of employment is organized?

Title III of the proposed bill provides an answer to both questions. It is a revenue bill which provides for the establishment of a Federal agricultural unemployment insurance system. It contemplates the appropriation of a sum each year, to which will be added moneys collected in taxes from a defined class of "taxable agricultural employers." This class of "taxable agricultural employers" would include only those who both employ in the calendar year at one time a total number of four or more individuals, not members of the employer's family, and have a total annual wage bill in excess of \$1,000. As in the case of old-age and survivors' insurance, this unemployment compensation tax would not affect those farmers who are typical of the family farm. Those who employ less than four agricultural workers at all times would be exempt regardless of the amount of their wage bill. Even if they employed a larger number than four for short periods they would be exempt if their total annual wage bill was less than \$1,000. This tax on large agricultural employers whose enterprise can be fairly said to be dependent upon agricultural labor is set at a 3-percent excise tax to be levied on the total annual wage bill. But those "taxable agricultural employers" who cooperate in reducing seasonal unemployment of the labor force they use by recruiting a required percentage of their laborers through the Federal Farm Placement offices, are required to pay only 1½ percent or one-half of the total tax. Obviously, the rebate feature applicable to the taxable agricultural employers would be conducive to their use of the public employment service. With this backlog of clients plus those small farmers, who although not taxed, will want to use the public employment service, the exchange should be provided with a relatively firm basis for the operation of a system of decasualization.

Title III defines total unemployment and sets up eligibility requirements which make the benefits available only to those who secure their employment through Federal Farm Placement offices. Tax collections added to the appropriated amounts will be used to take care of the regular class of agricultural workers in any long period of sustained unemployment in the year when work opportunities are not made available in the locale or the region. Title III does not purport to care for all persons who have ever engaged in agricultural labor and is designed to protect only those who, during the year, are classified as regular agricultural workers. It is contemplated that a slacking off of labor demand in any region may involve the maintenance of

a surplus on the regular agricultural labor list. This would place an undue financial burden on the fund. In that situation the regular list would be cut and the requisite number moved on to the reserve list, where they would be absorbed by regular relief agencies or available for employment in fields other than agriculture.

This bill or one with similar purposes and results is fundamental to any effective utilization of wage labor in agriculture and the fulfillment of national policy of social security for those who are employed on the land. This system gives only that degree of job security, decent economic employment, directed migration, and organized hiring and recruiting that is accorded to almost all regular markets of skilled and unskilled labor. Without it, agricultural wage labor, particularly the seasonal, casual, periodic type, is not an occupation; it is simply an auxiliary to a system of public poor relief. Without it the industry is dependent for its life upon an exploited group which must be maintained for great periods of the time wholly at public expense. Without it, agricultural wage labor offers little around which the laborer can build a home and place in the community on the basis of prospective stable employment.

In times of labor demand, such as the war period, agricultural industry finds itself without an efficient, effective, and reliable labor force. Labor stability other than that born of desperation does not exist in this field. Without this type of public employment exchange, both agricultural employers and agricultural laborers must constantly face unnecessary difficulties. The employer is never sure of his labor; the laborer is never sure of his job. A clearinghouse must be created and maintained. At the moment the only organized institution capable of establishing this system and making it work on a Nation-wide scale is the Federal Government.

A corollary of this measure is the Agricultural Labor Recruiting Act. It would regulate the private recruiting of agricultural labor, whether by labor contractors, employment agencies, or agricultural industry. This regulation would be aimed at eliminating or reducing pirating, unnecessary migration, and the disorderly recruitment of farm labor as well as the uncorrected abuses that characterize much private recruiting. If the Government is to take over the job of organizing the flow of agricultural employment in the interest of the maximum utilization of the available manpower, it cannot brook inconsistent action by private recruiting agencies.

The other measure, requiring additional comment here, is the Agricultural Wage Board Act. It would establish a system of agricultural wage boards patterned somewhat after the British system. Composed of a central board, empowered to establish local or regional boards, this organization would have the authority and function of determining fair and adequate wages for the employment of labor in industrialized agriculture. This type of covered agriculture includes only those agricultural employers who employ four or more individuals as farm laborers simultaneously at any given time during the year. The bill would provide an administrative process whereby the agricultural wage boards, composed of representatives of agricultural employers and agricultural labor selected according to standards that give recognition to existing organizations, would, with members representing the public, attempt to reach a decision or recommendation for a wage scale in a given area or given crop. If an agreement on a recommendation is not reached within an appropriate time period, the impartial chairman designated by the national board would make a recommendation. The recommendation of the wage board or the impartial chairman, as the case may be, after review by the central board, would become the subject of an administrative order legally

enforceable upon all eligible agricultural employers in the area or crop as previously defined.

For the duration of the war the determination in the wage orders would be subject to approval by the War Labor Board. This device would assure conformity with the national economic policy on inflation provided for under the recent statute and Executive order affecting wages and farm prices.

The purpose of this bill should be carefully distinguished from one which would attempt to establish a national uniform floor below which agricultural wages could not legally fall. This bill would attempt to promote the establishment of fair wages in localities, regions, or crops, as the case may be, which would be not a minimum but a fair wage. True, the wage so determined would act as a minimum for the covered employers in the crop or area concerned. However, the national floor for wages to be fixed by the Fair Labor Standards Act would be maintained by law as a regulation applicable to all agricultural employers operating on an industrialized basis in every area and crop to prevent the payment of a wholly substandard wage.

The wage-board procedure would bring the essentials of collective bargaining on wages to an industry which is in its infancy, insofar as the modern forms of employer-employee relationships are concerned. This bill would attempt to give some order to a vital segment of employer-employee relationships between some hundred-odd thousand agricultural employers and their labor. It should be noted again that the bill to be proposed would not control the wage relationships on the other millions of farms which employ only a single hired man or even two or three persons. This approach exempts those who, in fact, operate as family farms, depend upon family labor, or the exchange of labor with their neighbors. It would attempt to stabilize the relationships between the larger agricultural employers and their help, insofar as wage levels are concerned.

The need for this type of mechanism in normal times has been marked by experts who have studied the field. The mere protection of labor's right to organize and bargain collectively in industrialized agriculture would not produce, except after a considerable struggle, a successful and workable system of collective agreements. The series of strikes and labor disputes in California in the past decade and, indeed, the attitude of agricultural employers uniformly throughout the Nation wherever confronted by insistence upon collective bargaining make it clear that some machinery to assist in the development of a proper wage-determination procedure is essential. In California, for example, employers have organized to determine the common wage to be paid their employees, yet they have resisted to the uttermost the perfectly natural and logical consequence of this action, namely, the bargaining of a fair wage with organizations representing their employees. The lessons of the more sensible and democratic British experience with negotiatory employers' associations and agricultural workers' unions have been ignored. State and local action in the field has not been successful because of the unwillingness to impose constraints upon the more dominant economic group—the agricultural employers.

A system of wage boards, such as that contemplated by this measure, could be expected to supply the necessary leverage that would give a balance in the bargaining relationship between large agricultural employers and employee groups, with a minimum of reliance upon the bloody process of industrial strife to compel final employer recognition of this democratic arrangement. It would do so without destroying the right of the worker to strike. It would not adversely affect in any manner the "family farmer" or small farmer. Indeed, they would be indirectly

benefited because agricultural labor wages on a better than substandard scale would lessen the intolerable burden of sweat-shop competition under which the small working operator has labored.

The establishment of such a board would tend to offset the peacetime tendency toward gradual depression of agricultural wages that is the natural result of activities of well-organized employers' associations untempered by collective bargaining or arbitration of wage disputes. It would provide a method of coordinating agriculture and industrial wage trends and help stabilize the flow of agricultural labor supply into industry and, in turn, stabilize the supply of labor for industrialized agriculture. It would help correlate farm wages with farm income and move agriculture out of the position of being a potential poorhouse, a hitherto indulged but nonetheless dangerous and undesirable national tradition.

These desirable long-term aspects are overshadowed at the moment by present necessities that the war labor situation has made evident. In this period, when we must have a speedy and efficient settlement of employer-employee differences in industries other than agricultural industry, we usually find a reliance upon collective-bargaining procedures, upon collective agreements between established unions and established employer groups, upon wage-stabilization agreements, and upon determinations of the War Labor Board. These devices are used to settle the normal differences that are bound to arise between employer and employee. Yet there is little if any comparable machinery to take care of the relationships between agricultural employers and their employees. No established tradition of collective bargaining exists in most fields of agricultural employment. The only curb upon the employer has been his own good heart and sense and the law of supply and demand. Established unions have made some headway but the coverage of their collective agreements with employers are sparse indeed. Employers in agriculture get together to determine scales, but wage stabilization pacts such as those being promoted in the shipbuilding and aircraft fields are unknown. There is no agricultural division of the War Labor Board.

So, at the present time, the Nation has no machinery for treating the wage relationship in agriculture at a time when that relationship is the key to production in that field and an important part of the entire national program of inflation control. Experienced and effective agricultural laborers are being dissipated into other types of employment because of substandard wages and the absence of any hope of obtaining fair wages on any consistent pattern. The present system embraces a dependence upon force and the use of school children and local volunteers to take care of any disinclination of agricultural labor to work at the wage offered by the individual employer or fixed by a group of agricultural employers or previously established on a unilateral basis.

To continue to tolerate this system when agricultural production is one of the keys to victory is to live in a fool's paradise. If there ever were any doubt in anybody's mind concerning the essentiality of collective bargaining and public sponsorship of the settlement of employer-employee differences on a basis of collective bargaining as the necessity for effective democracy, it would seem that the experience of England and this country in this war would have been wholly persuasive. This being true, some translation of that lesson into agricultural industry along the lines of this measure would seem to be necessary.

Such a measure goes to the very heart of the problem of maintaining an adequate and effective farm labor supply. This point requires some further elaboration because it is so important to the whole problem of war production of food and fibers in the neces-

sary quantities over the period of years ahead. Stabilization of farm wage rates at fair levels is essential if we are to reduce the incentives that cause labor pirating and turn-over. It is the best device for narrowing on a fair and scientific basis the existing differentials between farm wage rates and entrance rates in industry, thereby encouraging needed workers to remain as farm laborers. It tends to remove the differences between high- and low-wage areas that lead to unnecessary migration and dangerous recruiting practices. It is necessary to attract available resident labor reserves which are reliable and useful for seasonal labor.

Wage differentials between city and country have provided the basis for mass pirating of agricultural labor by an expanding industry. If the city movement continues in large volume—and it will if agricultural workers are not given sufficient inducement to remain on the land—the agricultural labor supply will continue to shrink. It has been this loss of labor to urban employers and the competition among agricultural employers themselves that has brought about some much-needed improvement in agricultural wage rates. That may have contributed to the outcry "labor shortage" among agricultural employers. That cry is apt to go up whenever employers have been unable to secure labor on their own terms, as they did in the pre-war years of glutted labor markets.

The most feasible means of dealing with the wage problem, which is one facet of the problem of labor supply, is through wage boards. In the first place, the boards, composed of representatives of employers, labor, and the Government, would establish rates that would discourage the exodus of workers to the cities. Secondly, the rates established in any area would be the prevailing rates, and their acceptance would, by and large, eliminate pirating and the excessive labor turn-over which is the result of that practice. Thirdly, with the determination of recognized rates the agricultural employer would be able to figure his costs in advance, which is not now possible. Fourthly, the setting of wage rates by the boards would lend support to the President's anti-inflation program by improving the income of workers with substandard wages and at the same time by keeping the wage increases within reasonable limits. Finally, the participation of all parties in interest in the determination of wage rates in a field in which union organization is generally lacking and in which wages are at substandard levels is a process essential to the democratic ordering of our country. Obviously, farm wages must be adjusted upward in any stabilization process.

It is a notorious fact that farm wages are the lowest of all the major types of employment in the United States except town grades of domestic service. Pages of testimony before the subcommittee of the Senate Committee on Education and Labor, before the Tolan committee, books, pamphlets, and articles, official and unofficial, bear witness to this point. To pick a few examples at random from the record of the Senate subcommittee, we find that in 1937 the average rate without board in the United States was \$1.68 per day, varying in different regions of the country from \$1.58 to \$2.92. These are wage rates per day, not earnings per day. Actual earnings per day were certainly considerably lower as innumerable farm laborers do not work full days. It requires no argument to prove that a man cannot support a family in a decent American fashion, or in any fashion, on \$1.68 a day. But the truth of the matter is that \$1.68 a day represents, as I have said, a rate, not actual earnings. When actual earnings, especially earnings on an annual basis, are examined, the distance the farm laborer must travel before attaining even a minimum living standard becomes sharply apparent. In the years 1930-38 various studies of farm laborers' incomes

showed annual totals of this magnitude—\$300, \$322, \$254, \$206, \$620, \$225, and \$195. These figures do not refer to the poorer sections of the country alone. The first two figures come from counties in Illinois and Iowa.

While farm wages have risen in the last year above depression levels, still the average rate for day labor without board on March 1 of this year was only \$2.08 or about 20 cents per hour. This is just 40 cents per day or 4 cents per hour higher than the wage paid during 1937. At the March rate of \$2.08 per day, assuming 200 full days of employment in the year, which is a generous assumption for farm work, total annual income would be \$416. It is obvious that we have far to go before farm laborers' income will be sufficient to keep workers on the farm or even make "job freezing" for agriculture something other than rank discrimination.

There is no inherent reason why farm labor should be so far underpaid. It requires as much skill, and in general, more physical exertion than most types of manual labor. In his Annual Report issued last January, Secretary Wickard said:

"One basic trouble with agriculture is the tendency of many farmers to underrate farm skill and knowledge. They do so for the sake of keeping down farm wages. But the practice hurts themselves as well as their employees; it falsifies the costs of farm production, and results in returns that do not cover the costs. Farmers suffer along with their employees because they themselves are laborers and derive most of their income from the work of their hands and brains. This penalty results even in ordinary times with the market place setting farm prices. Farm wages that are too low simply mean that the farmers as well as their hired hands get less than their work is worth. In times like these, with legislation and other social procedures largely influential in farm returns, it is more important than ever that the costs of farm production shall be truly stated. Practically, this means that farm wages shall equal the value of the farm work, because otherwise the difference falls on the community in expenses for rural relief. Our pattern of farm objectives ought to include establishment of a thoroughly fair value on the skill and knowledge involved in agricultural production, and this valuation should benefit farm laborers equally with farm operators. It should be on a parity, moreover, with the valuation of equal skill and knowledge in other occupations. Equality for agriculture will then include the entire agricultural personnel."

Farm employers are receiving near parity prices now, and the total agricultural output is at the highest level in history, so that total farm income in 1941 was greater than in 1929. Farm income will be even higher for 1942. Thus, a larger total income is available out of which to pay higher wages: "In general the farmer's income is rising more rapidly than wage rates and more rapidly than prices of commodities farmers buy." Furthermore, the productivity of farm workers has been tending upward for the past several years. Farm output this year will be 20 percent greater than it was 10 years ago, but this increased production will require about a million fewer workers than were required to produce our 1932 crop. The amount produced per worker, therefore, will be very great as compared with 10 years ago. It is only fair that farm labor should receive a higher wage in view of its increased productivity, and the greater ability of farmers to pay fair wages.

Obviously there is an extent to which increases in wages for farm workers can be borne by the agricultural employers. The location of that point is a matter for the determination of experts in the various agencies working under the supervision of the

new Director of the Office of Economic Stabilization. After that point is reached for various crops and classes of agricultural employment the problem is one of prices and subsidy.

The working out of this rather complicated problem cannot be left to voluntary unilateral wage adjustments by farm employers. Now that wages have been placed under economic controls, the need for a bilateral mechanism that will hear farm labor representatives as well as agricultural employers is readily apparent.

In conclusion, it should be noted again that these measures apply restrictively only to the large-scale agricultural employer, who depends primarily upon the wage worker to operate his farming establishment. The "family farmer" who does not hire at any time in excess of three farm laborers is not subject to the regulation.

EXHIBIT B

AGRICULTURAL LABOR RELATIONS ACT

The bill (S. 2860) to amend the National Labor Relations Act by extending its benefits to agricultural labor on large industrial farms, introduced by Mr. LA FOLLETTE on behalf of Mr. THOMAS of Utah and himself is as follows:

Be it enacted, etc., That the National Labor Relations Act of 1935, as amended, be, and is hereby, amended as follows:

"Sec. 1. Section 2 (2) is amended to read as follows:

"The term 'employer' includes any person acting in the interest of an employer, directly or indirectly, but shall not include the United States, or any State or political subdivision thereof, or any person subject to the Railway Labor Act, as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization, or a farm operator who at no time during the preceding 12 months employed as many as four or more individuals at any one time to perform agricultural labor."

"Sec. 2. Section 2 (3) is amended to read as follows:

"The term 'employee' shall include any employee, and shall not be limited to the employee of a particular employer, unless the act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment, but shall not include any individual employed in the domestic service of any family or person at his home, or any individual employed by his parent or spouse."

EXPLANATORY STATEMENT

The proposed bill amends the National Labor Relations Act to extend collective-bargaining protection to labor in "industrialized agriculture." It strikes out the clause in subsection (3) of section 2 of the act which presently excludes an "individual employed as an agricultural laborer" from the definition of the term "employees"; it adds to subsection (2) of section 2 language which excludes from the definition of the term "employer" a farm operator who at no time during the preceding 12 months employed simultaneously as many as four or more individuals to perform agricultural labor.

The effect of these two amendments would be to authorize the National Labor Relations Board to proceed against those substantial employers of agricultural labor (employers of four or more) who were found by it to be guilty of unfair labor practices.

EXHIBIT C

AGRICULTURAL LABOR STANDARDS ACT

The bill (S. 2861) to amend the Fair Labor Standards Act of 1938 by extending its benefits to employees on large industrial farms, and for other purposes, introduced by Mr. LA FOLLETTE (on behalf of Mr. THOMAS of Utah and himself) is as follows:

Be it enacted, etc., That the Fair Labor Standards Act of 1938, as amended, be, and is hereby, amended as follows:

"Sec. 1. Section 3 (e) is hereby amended by substituting a semicolon for the period at the end thereof, and by adding the following: 'but shall not include any individual employed in agriculture who is a member of the employer's immediate family.'

"Sec. 2. Section 7 is amended by striking out subsection (c) and substituting in lieu thereof the following:

"(c) In the case of an employer engaged in 'agriculture' or in the first processing of milk, whey, skimmed milk, or cream into dairy products, or in the ginning and compressing of cotton, or in the processing of cottonseed, or in the processing of sugar beets, sugar-beet molasses, sugarcane, or maple sap, into sugar (but not refined sugar) or into sirup, or in the first processing of, or in canning or packing, perishable or seasonal fresh fruits or vegetables, or in the first processing of any agricultural or horticultural commodity during seasonal operations, or in the handling, slaughtering, or dressing of poultry or livestock, the provisions of subsection (a) shall not apply to any employee employed in any of the foregoing operations, in any place of employment where the employer is so engaged: *Provided*, That the exemption herein granted shall apply (1) only during a period or periods of not more than 14 workweeks in the aggregate in any calendar year and shall apply during the same 14 workweeks to all such employees, and (2) only if such employee receives compensation for employment in excess of 12 hours in any workday, or for employment in excess of 56 hours in any workweek, as the case may be, at a rate not less than one and one-half times the regular rate at which he is employed."

"Sec. 3. Section 13 is amended by striking out subparagraph (6) of subsection (a) and substituting in lieu thereof the following:

"(6) to any employee employed in agriculture on a farm (as such term is defined and delimited by regulations of the Administrator) by an employer who employs not more than four employees at any time during a calendar year."

"Sec. 4. Section 13 is further amended by striking out subparagraph (10) of subsection (a), and by renumbering subparagraph (11) as subparagraph (10)."

EXPLANATORY STATEMENT

The proposed bill attempts to cover under minimum wage and maximum hour standards those agricultural laborers who are employed on large industrial farms. Section 1 of the proposed bill is designed to exclude the family farmer. He will not be subjected to the act because he has a large family working on his farm, since members of his immediate family will not be considered employees.

Section 2 deals with hour exemptions granted in section 7 (c). Section 7 (c) is revised so that total exemptions from maximum hour regulation under the present act are eliminated, but all occupations requiring temporary relaxation of hour restrictions are to be granted uniform exemption for 14 weeks in the year, provided that any time worked over and above a 12-hour day or 56-hour week during this 14 workweek period be rewarded with overtime pay. If not so rewarded in any particular week, overtime will be owed the

employee for all hours over 40 in that week. The large farms which are brought under the coverage of the act by the proposed bill are also granted this hours exemption.

Section 3 alters subparagraph (f) of section 13 (a), which at present exempts "any employee engaged in agriculture." The proposed bill grants the exemption only to hired hands working for a farmer whose total number of employees never exceeds four, even during the peak seasons. This numerical basis for determining coverage is based upon the presumption that large industrial farms, however high the degree of mechanization, will require four or more agricultural laborers at certain times of the year, particularly for harvesting, while the average "family farmer" needs relatively little paid assistance. This device for separating industrialized and commercialized agricultural operations from the type of farming operations carried on by a farm operator who lives on and works his own land, will force a recognition of a basic distinction between industrialized and non-industrialized farming, particularly insofar as it affects the actual status of the worker.

Section 4 eliminates the nebulous "area of production" clause of subparagraph (10) of section 13 (a). The exemption granted in subparagraph (10) hinges upon the exemption granted to agriculture in general under the act. With the inclusion of industrialized farming under the jurisdiction of the act, there is no justification for allowing a privileged group of industrialists to lie beyond the pale of the act merely because the commodities handled by them were, in their raw state, agricultural.

EXHIBIT D

REGULATION OF PRIVATE EMPLOYMENT AGENCIES DEALING WITH AGRICULTURAL LABOR

The bill (S. 2862) to regulate private employment agencies dealing with agricultural labor and engaged in interstate commerce, introduced by Mr. LA FOLLETTE (for Mr. THOMAS of Utah and himself) is as follows:

Be it enacted, etc., That this act may be cited as the "Agricultural Labor Recruitment Act of 1942."

FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress hereby declares that the migration from one place to another in interstate commerce of agricultural laborers and other persons seeking employment in agriculture in numbers in excess of reasonable opportunities for employment and abusive practices of employment agencies including the dissemination of false and misleading information regarding opportunities of employment (1) cause unnecessary migration; (2) tend to aggravate the distress of such persons seeking agricultural employment; (3) disturb the flow of necessary or desirable migration; (4) lead to excessive concentrations of such persons with resulting depression of existing wage-and-hour standards at the places where such excessive concentrations occur and consequent labor disputes burdening and obstructing interstate commerce; (5) cast an excessive burden of support upon the communities to which such persons move in interstate commerce and adversely affect the general welfare of the Nation, and (6) cause an excessive waste of manpower.

(b) It is hereby declared to be the policy of this act, through the exercise by Congress of its power to regulate commerce among the several States, and its power to control the use of the mails, to correct and eliminate the abuses resulting from such movements in interstate commerce by regulating the practices of employment agencies engaged in inducing or assisting others to induce such interstate movements of agricultural laborers or persons seeking agricultural employment by use of the mails or otherwise.

DEFINITIONS

SEC. 3. When used in this act—

(a) The term "person" means an individual, partnership, association, corporation, legal representative, trustee, trustee in bankruptcy, or receiver but shall not include (1) any public employment agency established under any State law or law of the United States, or (2) any bona fide labor organization, charitable, religious, fraternal or social welfare order, society or organization operating on a nonprofit basis, as such terms are limited and defined by the Secretary.

(b) The term "fee" means anything of value including money or other valuable consideration or services or the promise of any of the foregoing received by an agricultural employment agency from or on behalf of any person seeking employment or employees in payment for any service described or enumerated in subsection (f) hereof.

(c) The term "employer" means any person employing or seeking to employ any person for hire as an "agricultural employee."

(d) The term "agricultural employee" means any person performing or seeking to perform work or services of any kind for hire on a farm or incidental to farming operations, including the processing, packing, and preparation for market and transportation of any agricultural product in its raw or natural state to storage or to market or to carriers for transportation to market.

(e) The term "employment" includes engagement.

(f) The term "agricultural employment agency" means any person who:

(1) For a fee offers or attempts to procure or procures employment for agricultural employees, or without a fee offers or attempts to procure or procures employment for agricultural employees; or

(2) For a fee offers or attempts to procure or procures agricultural employees for agricultural employers, or without a fee offers or attempts to procure or procures agricultural employees for agricultural employers; or

(3) Regardless of whether a fee is received offers or attempts to supply or supplies the services of agricultural employees to any person.

(g) The term "Secretary" shall mean Secretary of Labor of the United States.

(h) The term "State" shall include, in addition to a State, the District of Columbia, Hawaii, and Alaska.

(i) The term "commerce" means commerce, transportation, transmission or communication among the several States, from any foreign country to any State and from any State to any foreign country.

ACTIVITIES OF UNREGISTERED EMPLOYMENT AGENCIES

SEC. 4. After 100 days from the effective date of this act, unless an agricultural employment agency is registered with the Secretary under section 5 hereof, it shall be unlawful for such agricultural employment agency, directly or indirectly—

(1) To transport or cause to be transported or aid or assist in obtaining transportation for, or in transporting in commerce any agricultural employee;

(2) To solicit or induce any person to move from one place to another in commerce for the purpose of obtaining agricultural employment;

(3) To furnish or make available any information which may tend to induce any person to move from one place to another in commerce for the purpose of obtaining agricultural employment;

(4) By use of the mails or any means or instrumentality of commerce, to perform any of the services enumerated in subsection (f) of section 3 hereof;

REGISTRATION OF EMPLOYMENT AGENCIES

SEC. 5. (a) On or before 100 days after the effective date of this act, every agricultural employment agency shall register

by paying the annual fee of \$100 required by section 5 (d) of this act, by filing with the Secretary the bond required by section 5 (e) and by filing with the Secretary a notification of registration in such form as the Secretary may by rules and regulations prescribe as necessary or appropriate in the public interest or for the protection of agricultural employees or employers. An agricultural employment agency shall be deemed to be registered upon receipt by the Secretary of such fee and notification or registration and upon receipt and approval of such bond.

(b) It shall be the duty of every registered agricultural employment agency to file with the Secretary, within such reasonable time and in such form as the Secretary shall by rules, regulations, or order prescribe as necessary or appropriate in the public interest or for the protection of agricultural employees and employers, a registration statement which shall include—

(1) A schedule of fees which registrant proposed to charge for all services described and enumerated in section 3 (f) hereof and all forms of contract and other instrument or writing used in registrant's relations with agricultural employees or employers, in such form as the Secretary may by rules, regulations, or order prescribe as necessary or appropriate in the public interest or for the protection of agricultural employees or employers: *Provided, however,* That a registered agricultural employment agency may at any time file with the Secretary an amended schedule of fees or revised forms of contracts and other instruments or writings.

(2) Such information in such form and in such detail relating to, and copies of such documents of or relating to, the registrant as the Secretary may by rules, regulations, or order prescribe as necessary or appropriate in the public interest or for the protection of agricultural employees or employers in respect of—

A. The form of business organization and names and addresses of directors, officers, partners, and other managing officials thereof.

B. The extent to which any agricultural employer or association of employers owns, controls, or has any direct or indirect interest in the business or activities of the registrant.

C. The nature of the agricultural employment agency business carried on and of any other business or businesses carried on either directly or indirectly in connection therewith.

D. The size and extent of the agricultural employment agency business carried on and the aggregate amount of fees received therefor during the last calendar year.

(3) Such further information or documents regarding the registrant as the Secretary may by rules, regulations, or order prescribe as necessary or appropriate in the public interest or for the protection of agricultural employees or employers.

(c) Every registered agricultural employment agency shall file with the Secretary such annual, quarterly, or other periodic reports and such special reports necessary or appropriate to keep reasonably current the information filed under section 5 of this act, as the Secretary may by rules, regulations, or order prescribe as necessary or appropriate in the public interest or for the protection of agricultural employees or employers.

(d) Every registered agricultural employment agency shall pay to the Secretary an annual fee of \$100.

(e) At the time of its initial registration every registered agricultural employment agency shall file with the Secretary a good and sufficient bond to the United States in the sum of \$3,000. Not less than 6 months after the enactment of this act the Secretary may by rule, regulation, or order prescribe different bond requirements for any or all registered agricultural employment agencies: *Provided, however,* That no bond of less than \$1,000 or

more than \$25,000 may be required of any such agency. In fixing the amount of the bond for any agency the Secretary shall endeavor to furnish adequate protection for any person who might suffer loss or damage recoverable pursuant to section 15 of this act and shall take into consideration the past record of such agency with respect to compliance with this act, its financial stability, the volume of its activities and the demonstrated responsibility of its personnel. The condition of such bonds shall be that the registered agricultural employment agency shall pay to any person any loss or damage recoverable pursuant to section 15 of this act.

PROHIBITED EMPLOYMENT PRACTICES

SEC. 6. (a) It shall be unlawful for any agricultural employment agency required to be registered under this act, directly or indirectly—

(1) to make, publish, give, or circulate, or cause to be made, published, given, or circulated, any information, representation, or promise with respect to any material fact concerning agricultural employers, employees, or employment, or opportunities for agricultural employment which is, in the light of all the surrounding circumstances, false, fraudulent, or misleading, or which, in the light of all the surrounding circumstances may reasonably and foreseeably result in misleading such employers, employees, or the public, or which omits to state therein any material fact which is, in the light of all the surrounding circumstances, necessary to make such information, representation, or promise not misleading;

(2) to charge or accept, either directly or indirectly, any fee other than the fee set forth in the schedule of fees filed with the Secretary pursuant to section 5 (b) (1) of this act, or to use any form of contract or other instrument or writing other than that filed with the Secretary or after any form of contract or other instrument or writing has been prescribed by the Secretary pursuant to section 10 (b) of this act to use any form other than that prescribed: *Provided, however*, That no fee set forth in any amended schedule of fees shall be charged or accepted and no revised form of contract or other instrument or writing shall be used until 60 days after the filing thereof with the Secretary;

(3) to charge or accept any fee for registering agricultural employers, or employees, or any fee except for agricultural employees or employment obtained directly through the efforts of such registered agricultural employment agency;

(4) to divide or share or offer to divide or share, either directly or indirectly, any fee received from any agricultural employee, with any agricultural employer or association of such employers, or any person in the employment of any such employer;

(5) to procure or attempt to procure the discharge of any agricultural employee;

(6) to send out any agricultural employee for employment without having first obtained, either orally or in writing, a bona fide request for an employee for such employment and without furnishing such employee with a true statement in respect to such employment;

(7) to send out any agricultural employee for agricultural employment for a distance of more than 100 miles without having notified and obtained approval of the local office of the United States Employment Service nearest the residence or temporary abode of the agricultural employee;

(8) to place or assist in placing any person in any agricultural employment prohibited by any law of the United States or of any State where such placement is made or by any rule, regulation, or order prescribed under either;

(9) to send out any agricultural employee to any place where a strike or lock-out exists without furnishing such employee with a

written statement of the existence of such strike or lock-out and retaining on file for 1 year after the date thereof a copy of such statement signed by such employee.

(b) It shall be unlawful for any agricultural employment agency required to be registered under this act, directly or indirectly, except in compliance with such rules, regulations, or orders as the Secretary may prescribe as necessary or appropriate in the public interest or for the protection of agricultural employees or employers—

(1) to operate or have a financial or other proprietary interest in any lodging house, restaurant, store, labor camp, dispensary of intoxicating liquors or beverages, or any business, pursuit, or facility serving persons seeking employment;

(2) to acquire any agricultural employee to subscribe to any publication or incidental service or contribute to the cost of advertising or to pay for any services except those described and enumerated in section 3 (f) of this act.

REVOCATION OF REGISTRATION

SEC. 7. (a) The Secretary may, after due notice and opportunity to be heard, revoke the registration of any registered agricultural employment agency whenever, at any time after the effective date of this act, such agency shall fail to comply with any provision of this act or any rule, regulation, or order issued thereunder, or with any provisions of any State law relating to employment agencies or Federal or State law relating to safety, health, or sanitation, or any rule, regulation, or order issued under any of such laws which is not in conflict with any provision of this act; or whenever the Secretary, after investigation, shall find that such agency or any officer or managing official thereof or partner therein, or any person directly or indirectly owning or controlling such agency at any time has been grossly unreliable in any business dealings or convicted of a felony under Federal or State law.

(b) No person whose registration has been revoked pursuant to this section and no person directly or indirectly owned or controlled by a person whose registration has been revoked pursuant to this section shall be entitled to registration under section 5 hereof within 3 years of the date of such revocation except upon such terms and conditions as the Secretary may by rule, regulation, or order prescribe.

REGULATION OF FEES

SEC. 8. (a) The Secretary shall have the authority (1) upon complaint, or at any time upon his own initiative, to investigate the reasonableness of all fees or amendments thereof filed by any registered agricultural employment agency or agencies pursuant to section 5 (b) (1) of this act or changed or accepted directly or indirectly by any agency or agencies required to be registered under this act, including fees established by any rule, regulation, or order of the Secretary; and (2) after due notice and hearing by rule, regulation, or order to prohibit the charging or accepting by any such agency or agencies of any fees, or classifications thereof, which he determines to be unjust, unreasonable, or discriminatory toward agricultural employers, agricultural employees, or the public, and to prescribe and establish for any such agency or agencies the maximum fees or classifications thereof which he determines to be just, reasonable, and nondiscriminatory toward such employers, employees, and the public. In making any determination under this subsection the Secretary shall consider among other relevant factors the type of agency, the economic and competitive conditions involved, the type of agricultural employment procured or attempted or offered to be procured, the length of such employment, and the wages to be paid for the same. At any hearing involving a fee sought to be increased,

the burden of proof to show that the increased fee is just, reasonable, and nondiscriminatory toward agricultural employers, employees, and the public shall be upon the employment agency.

(b) Within 60 days after the filing of an amended schedule of fees pursuant to sections 5 (b) (1) of this act, whereby the fee or fees set forth in any schedule of fees or any part thereof effective on the date of the filing of such amended schedule are sought to be increased, the Secretary may at any time suspend the operation of such amended schedule of fees, or any part thereof, pending a hearing and the issuance of a rule, regulation, or order pursuant to subsection (a) of this section or an order dismissing the investigation: *Provided, however*, That such suspension shall become inoperative in any case where the registered agricultural employment agency or agencies file a good and sufficient bond to the United States in an amount and with a surety or sureties satisfactory to the Secretary. The condition of such bond shall be that the registered agricultural employment agency shall repay to agricultural employers and employees with interest the amount by which the fee or fees set forth in the amended schedule of fees and charged or accepted directly or indirectly by any such agency or agencies exceeds the fees which are determined by the Secretary to be just, reasonable, and nondiscriminatory pursuant to subsection (a) of this section or the fees which are effective on the date of the filing of the amended schedule of fees, whichever of said two fees are greater.

APPEAL FROM ACTION OF SECRETARY

SEC. 9. Any party aggrieved by any action of the Secretary in revoking a registration under section 7 (a) of this act or in the prohibiting of a fee or the prescribing or establishing of a maximum fee under section 8 (a) of this act may petition any circuit court of appeals of the United States in the circuit in which said party resides or transacts business for a review of said action of the Secretary. A copy of said petition shall forthwith be served upon the Secretary and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding, certified by the Secretary, including the pleading and testimony upon which the action complained of was based and the findings and order of the Secretary. Upon such filing the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree affirming, modifying, or setting aside in whole or in part the action of the Secretary or directing it to reregister the aggrieved party. No objection that has not been used before the Secretary shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Secretary as to the facts, if supported by evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Secretary, the court may order such additional evidence to be taken before the Secretary and to be made a part of the transcript. The Secretary may modify his findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and he shall file such modified or new findings, which, if supported by evidence, shall be conclusive, and shall file his recommendations, if any, for the modification or setting aside of his original action. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the

Supreme Court of the United States upon writ of certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

RULES AND REGULATIONS

SEC. 10. The Secretary shall have the authority from time to time to make, modify, and rescind such rules, regulations, and orders as he may deem necessary or appropriate in the public interest or for the protection of agricultural employers or employees to carry out the provisions of this act or to effectuate any power or duty provided herein, including but without limitation, rules, regulations, and orders:

(a) To require every agricultural employment agency required to be registered under this act to make, keep, and preserve accurate records relating to the conduct of the business of such agency and to make reports therefrom to the Secretary.

(b) To prescribe the form of contracts and other instruments or writings used by an agricultural employment agency required to be registered under this act.

(c) To require the posting of notices by agricultural employment agencies required to be registered under this act and to prescribe the form, content, place, and period of display thereof.

(d) To require and regulate the return of fees or portions thereof to agricultural employees or employers where the employment or employee procured or attempted to be procured by an agricultural employment agency required to be registered under this act is not as represented.

(e) To regulate the physical requirements and sanitation of the premises where the business of any agricultural employment agency required to be registered under this act may be conducted.

INVESTIGATIONS AND ATTENDANCE OF WITNESSES

SEC. 11. (a) For the purpose of any hearing or investigation under this act, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (U. S. C., 1934 ed., title 15, secs. 49 and 50), are hereby made applicable to the jurisdiction, powers, and duties of the Secretary.

(b) The Secretary or his designated representative may enter and inspect such places and such records and make such transcriptions thereof, question such persons and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate to determine whether any person has violated any provision of this act or any rule, regulation, or order thereunder, or which may aid in the enforcement of the provisions of this act or any rule, regulation, or order thereunder.

PERSONNEL, GOVERNMENT AGENCIES, AND DISPOSITION OF FUNDS

SEC. 12. (a) Subject to the civil service and the Classification Act of 1923, as amended, the Secretary may appoint and fix the compensation of all officers, agents, and other personnel necessary to carry out his duties and functions under this act and may utilize such voluntary and uncompensated services as may from time to time be needed.

(b) For the purpose of effectuating the provisions of this act the Secretary may utilize the services of any Federal department or agency, and, with the consent and cooperation of State agencies charged with the administration of State laws regulating employment agencies, may utilize the services of such State and local agencies and their employees, and, notwithstanding any other provision of law, may pay any such department or agency and their employees for services rendered for such purposes.

(c) The Secretary shall keep an account of all moneys coming into his possession by

virtue of this act and shall pay all such moneys, except any sums received or recovered for the use of any claimant as provided in section 15 of this act, into the United States Treasury, as provided by law, to be credited to the general fund. Any sums received by the Secretary or recovered by the Attorney General for the use of any claimant as provided in section 15 of this act shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to the persons entitled thereto and on whose account such sums were received or recovered: *Provided*, That no claims by employees for such payments shall be entertained unless made within 1 year from the receipt thereof by the Secretary.

PENALTIES

SEC. 13. Any person who willfully violates any provision of this act or any rule, regulation, or order issued thereunder, the violation of which is made unlawful or the observance of which is required under this act, or any person who willfully in any statement, schedule, report, or information required to be filed with the Secretary by any provision of this act or any rule, regulation, or order issued thereunder, makes or causes to be made any false or misleading statement of a material fact or omits to state therein any material fact required to be stated or necessary to make such statement not misleading, in the light of all the circumstances under which such statement is made shall, upon conviction thereof, be subject to a fine of not more than \$5,000 or to imprisonment for not more than 1 year, or both, for each offense.

INJUNCTION PROCEEDINGS

SEC. 14. The district courts of the United States and the United States courts of the Territories and possessions shall have jurisdiction, for cause shown, and subject to the provisions of section 20 (relating to notice to opposite party) of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended (U. S. C., 1934 ed., title 28, sec. 381), to restrain violations of any provision of this act. All actions to restrain violations of this act shall be brought by the Secretary.

ACTIONS FOR DAMAGES

SEC. 15. (a) Any agricultural employment agency required to be registered under this act which violates any provision of section 6, subsection (a) (2), (3), (4), or (5), or subsection (b) (2), or any rule, regulation, or order issued thereunder, or any rule, regulation, or order issued under section 8 (a) or under section 10 (d), shall be liable to any person or persons for any loss or damage which reasonably and foreseeably results from such violation.

(b) Any agricultural employment agency required to be registered under this act which shall make, publish, give, or circulate, or cause to be made, published, given, or circulated, any information, representation, or promise with respect to any material fact concerning agricultural employers, employees, or employment, or opportunities for employment which is, in the light of all the surrounding circumstances, false, fraudulent, or misleading, or which, in the light of all the surrounding circumstances, may reasonably and foreseeably result in misleading such employers, employees, or the public, or which omits to state therein any material fact which is, in the light of all the surrounding circumstances, necessary to make such information, representation, or promise not misleading, shall be liable to any person or persons (not knowing of such omission or that such statement is false, fraudulent, or misleading) for any loss or damage which reasonably and foreseeably results from reliance by such person or persons upon such information, representation, or promise, unless such agency shall prove that it acted in

good faith and had no knowledge of and with the exercise of reasonable diligence, could not have known of, such omission or that such information, representation, or promise was false or misleading.

(c) Any person or persons bound to an agricultural employment agency required to be registered under this act by any form of contract or other instrument or writing which differs in any material respect from the form of contract or other instrument or writing filed with the Secretary by such employment agency pursuant to section 5, (b) (1) of this act, or prescribed by the Secretary pursuant to section 8 (b) of this act, shall be entitled, at his own election, to avoid, as to any such agency, or as to any other person not a bona fide purchaser for value, such contract, or such other instrument or writing, or any separable part or provision thereof, which differs in any material respect from the contract instrument or writing so filed or prescribed, and shall be entitled to recover loss or damage pursuant to subsection (a) of this section.

(d) Every person who, directly or indirectly, controls any person liable under any provision of this section shall also be liable jointly and severally with and to the same extent as such controlled person to any person to whom such controlled person is liable.

(e) Any person suffering loss or damage recoverable pursuant to subsections (a) and (b) of this section shall be entitled to an action for such amount on any bond filed with the Secretary by such agency pursuant to section 5 (e) of this act, which action shall be brought in the name of the United States for the use of such person. Action to recover liability under subsections (a) and (b) of this section and action on such bond may be maintained in any court of competent jurisdiction by any one or more persons suffering such loss or damage for and in behalf of himself or themselves and other employees similarly situated, or by an agent designated by such person or persons, or by the Attorney General in the name of the United States for the use of such person or persons. The court in such action, except in cases where the Attorney General is party plaintiff, shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant and costs of the action.

RELATION TO STATE LAWS

SEC. 16. No provision of this act or of any rule, regulation, or order thereunder shall excuse noncompliance with any State law or municipal ordinance regulating employment agencies.

SEPARABILITY OF PROVISIONS

SEC. 17. If any provision of this act or the application of such provision to any person or circumstance is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

EXHIBIT E

AGRICULTURAL WAGES BOARD

The bill (S. 2863) to provide for the fixing of wages on large industrial farms and affecting interstate commerce, to create an Agricultural Wages Board, and for other purposes, introduced by Mr. LA FOLLETTE (for Mr. THOMAS of Utah and himself) is as follows:

Be it enacted, etc.,

FINDINGS AND DECLARATION OF POLICY

SECTION 1. (a) The Congress hereby finds that (1) a lack of equilibrium between agricultural wages and returns from other forms of labor exists which prevents the maintenance of any capable and stable labor supply for agriculture, leads to the excessive migration of agricultural laborers, and thus

interferes with the national commerce in foods and fibers and effective prosecution of the war; (2) a lack of employee organization and effective collective-bargaining machinery in industrialized and commercialized agriculture, the prevalence of wage scales imposed solely by organized employer effort, and the existence of a large rural population surplus from time to time, have seriously depressed wage levels in agriculture, resulting in wages which are abnormally low in comparison with other forms of employment; (3) the health and economic well-being of the agricultural laborers are seriously impaired by the consequent low standard of living, thus adversely affecting the general welfare of the Nation; (4) an excessive burden of support of such destitute laborers is cast upon Federal, State, and local agencies; and (5) the excessively low wages paid on industrialized or commercialized farms creates an unfair basis of competition with smaller farms on which the work is performed primarily by the operator and his family and thereby tends to depress the living standards, economic stability, and productivity of small farms.

(b) It is hereby declared to be the policy of this act, in the interest of the national defense and security and for the effective prosecution of the present war, and through the exercise by Congress of its power to regulate commerce among the several States and its power to provide for the general welfare of the United States, to correct and as rapidly as possible to eliminate the conditions above referred to in industrialized and commercialized agriculture, by encouraging collective bargaining and providing a method for fixing agricultural wages.

DEFINITIONS

Sec. 2. When used in this act—

(a) The term "agriculture" means farming in all its branches, and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15 (g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage, or to market or to carriers for transportation to market.

(b) The term "employ" means to suffer or permit to work for monetary wages or material goods on a temporary or permanent basis.

(c) The term "agricultural labor" includes any employment usually performed on a farm and any employment incidental to farming operations, including the processing, packing, and preparation for market and transportation of any agricultural product in its raw or natural state to storage or to market or to carriers for transportation to market.

(d) The term "farm" embraces the farm in the ordinarily accepted sense, and includes stock, dairy, poultry, fruit and truck farms, plantations, ranches, ranges, and orchards.

(e) The term "agricultural employer" means any person or groups of persons who employ four or more individuals to perform agricultural labor on a farm or other place of employment at any one time during the preceding calendar year.

(f) The term "agricultural employee" or "agricultural laborer" includes any person in the employ of an agricultural employer, including any person employed by an agricultural employer under a contract or agreement with such person's parent or person standing in place of a parent, or with any other relative: *Provided*, That such term shall not include a person employed by a member of his immediate family.

(g) The term "commerce" means trade, commerce, transportation, transmission or communication among the several States or from any State to any place outside thereof.

(h) The term "State" means any State of the United States or the District of Columbia or any Territory or possession of the United States.

(i) The term "person" means an individual, partnership, association, corporation, business trust, legal representative, or any organized group of persons.

(j) The term "produced" means produced, handled, or in any other manner worked on in any State; and for the purposes of this act an agricultural laborer shall be deemed to have been engaged in the production of agricultural commodities if such agricultural laborer was employed in producing, handling, transporting, or in any other manner working on such goods, or in any process or occupation necessary to the production thereof, in any State.

AGRICULTURAL WAGES BOARD

SEC. 3. (a) There is hereby created in the Department of Labor a board, to be known as the "Agricultural Wages Board" (hereinafter referred to as the "Board"), which shall be composed of five members who shall be appointed by the President, by and with the advice and consent of the Senate, two representing the interests of agricultural employer groups, two representing the interests of agricultural employee groups, and one impartial individual representing the interests of the public who shall be designated as chairman. Each member of the Board shall receive a salary of \$10,000 a year, and shall not engage in any other business, vocation, or employment. A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board, and three members of the Board shall at all times constitute a quorum.

(b) The Board may, subject to the civil-service laws, appoint such employees as it deems necessary to carry out the functions and duties under this act and shall fix their compensation in accordance with the Classification Act of 1923, as amended. The Board may establish and utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed. Attorneys appointed under this section may appear for and represent the Board in any litigation.

(c) The Board shall submit annually in January a report to the Congress covering its activities for the preceding year and including such information, data, and recommendations for further legislation in connection with the matters covered by this act as it may find advisable.

(d) The principal office of the Board shall be in the District of Columbia, but it may meet or exercise any or all of its powers at any other place. The Board may, by one or more of its members or authorized representatives, or by such other agents or agencies as the Board may designate, prosecute any inquiry necessary to its functions in any part of the United States.

(e) The Board shall have authority from time to time to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this act. Such rules and regulations shall be effective upon publication in the manner which the Board shall prescribe.

AGRICULTURAL WAGES COMMITTEES

SEC. 4. (a) The Board is hereby empowered to set up from time to time, within specific regions or with respect to specific agricultural commodities, local agricultural wages committees (hereinafter referred to as "committees"), which shall each be composed of a number of disinterested persons representing the public, one of whom the Board shall designate as chairman, a like number of persons representing employees in the industry,

and a like number representing employers in the industry. The members of the committee shall be appointed by the Board without regard to any other provisions of law regarding the appointment and compensation of employees of the United States. In the selection of representatives of employers and employees the Board shall permit fair representation responsive to organizations established in employer and employee groups, and shall give due consideration to bona fide collective-bargaining agents determined by the National Labor Relations Board.

(b) The Board shall determine the committee's jurisdiction, based upon geographic area, type of agricultural operations, or crops.

(c) Two-thirds of the members of a committee shall constitute a quorum, and the decision of the committee shall require a vote of not less than a majority of all its members. Members of a committee shall receive as compensation for their services a reasonable per diem, which the Board shall, by rules and regulations, prescribe for each day actually spent in the work of the committee, and shall in addition be reimbursed for their necessary traveling and other expenses. The Board shall furnish the committees with adequate legal, stenographic, clerical, and other assistance, and shall, by rules and regulations, prescribe the procedure to be followed by the committees.

(d) It shall be the function of the committees to recommend to the Board fair and reasonable agricultural wages for the area and commodities within their respective jurisdictions as designated by the Board. In determining fair and reasonable agricultural wages the committees shall consider, among other relevant circumstances, the following:

(1) The cost of living; (2) local economic conditions; (3) such considerations as would be relevant in a court in a suit for the value of services rendered where services are rendered at the request of any employer without contract as to the amount of the wage to be paid; (4) the wages established for work of a like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (5) the wages paid for work of a like or comparable character by employers who voluntarily maintain fair wage standards in the occupation to be subject to the order recommending such fair and reasonable wage. The committees shall be empowered to collect all factual data and to summon all witnesses necessary for the reaching of a fair and proper decision: *Provided*, That the recommendation of a committee of fair and reasonable wages shall be made to the Board within 4 weeks after the committee shall have been convened, subject to such reasonable extensions as may be granted by the Board upon the request of the committee chairman.

(e) The recommendation of any committee of fair and reasonable wages under subsection (d) shall include a determination as to whether such wages may include board and lodging furnished by an agricultural employer to an agricultural employee. If a committee determines that board and lodging may be included in such wages, the committee shall specify the values which may be allowed therefor in lieu of payment in cash.

WAGE ORDERS

SEC. 5. (a) Upon the filing of the recommendations by a committee, the Board, after due notice to interested persons and giving them an opportunity to be heard, shall by order approve and carry into effect the recommendations of the committee, if the Board finds that the recommendations are made in accordance with law, are supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the committee, will carry out the purposes of this act; otherwise the Board shall disapprove such recommendations. If the Board disapproves such

recommendations, it shall again refer the matter to such committee, or to another committee (which the Board may set up for such purpose) for further consideration and recommendations.

(b) Orders issued under this section shall define the agricultural commodities and agricultural operations and classifications therein to which they are to apply, and shall contain such terms and conditions as the Board finds necessary to carry out the purposes of such orders, to prevent the circumvention or evasion thereof, and to safeguard the wage rates established therein. No such order shall take effect until after due notice is given of the issuance thereof by publication in the Federal Register and by such other means as the Board deems reasonably calculated to give to interested persons general notice of such issuance.

(c) Orders issued under this section during the effective period of the act of October 2, 1942 (Public Law No. —) and Executive Order 9250, shall not be effective until and unless they are filed with and approved by the National War Labor Board pursuant to the applicable provisions of said act, order, or regulations issued thereunder.

ATTENDANCE OF WITNESSES

SEC. 6. For the purpose of any hearing or investigation provided for in this act, the provisions of sections 9 and 10 (relating to attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (U. S. C., 1940 ed., title 15, secs. 49 and 50), are hereby made applicable to the jurisdiction, powers, and duties of the Board and committees, or their authorized representatives.

COURT REVIEW

SEC. 7. (a) Any person aggrieved by an order of the Board issued under section 5 may obtain a review of such order in the circuit court of appeals of the United States for any circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such court, within 60 days after the entry of such order, a written petition praying that the order of the Board be modified or set aside in whole or in part. A copy of such petition shall forthwith be served upon the Board, and thereupon the Board shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm, modify, or set aside such order in whole or in part, so far as it is applicable to the petitioner. The review by the court shall be limited to questions of law, and findings of fact by the Board when supported by substantial evidence shall be conclusive. No objection to the order of the Board shall be considered by the court unless such objection shall have been urged before the Board, or unless there were reasonable grounds for failure to do so. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence may materially affect the result of the proceeding and that there were reasonable grounds for failure to adduce such evidence in the proceedings before the Board, the court may order such additional evidence to be taken before the Board and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Board shall modify its findings by reason of the additional evidence so taken, and shall file with the court such modified or new findings which if supported by substantial evidence shall be conclusive, and shall also file its recommendations, if any, for the modification or setting aside of the original order. The judgment and decree of the court shall be final, subject to review by the Supreme Court of the United

States upon certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

(b) The commencement of proceedings under subsection (a) shall not, unless specifically ordered by the court, operate as a stay of the Board's order. The court shall not grant any stay of the order unless the person complaining of such order shall file in court an undertaking with a surety or sureties satisfactory to the court for the payment to the employees affected by the order, in the event such order is affirmed, of the amount by which the compensation such employees are entitled to receive under the order exceeds the compensation they actually receive while such stay is in effect.

FAIR AND REASONABLE WAGES

SEC. 8. Every agricultural employer shall pay to each of his agricultural employees who is engaged in the production of agricultural commodities for commerce not less than the fair and reasonable wages prescribed in the applicable wage order of the Board issued under section 5.

INVESTIGATIONS, INSPECTIONS, AND RECORDS

SEC. 9. (a) The Board or its designated representatives may investigate and gather data regarding the wages and other conditions and practices of employment in agriculture subject to this act, and may enter and inspect such places and such records (and make such transcriptions thereof), question such employees, and investigate such facts, conditions, practices, or matters as the Board may deem necessary or appropriate to determine whether any person has violated any provision of this act, or which may aid in the enforcement of the provisions of the act. The Board shall utilize the bureaus and division of the Department of Labor for all the investigations and inspections necessary under this section. The Board shall bring all actions under section 12 to restrain violations of this act.

(b) With the consent and cooperation of State agencies charged with the administration of State labor laws, the Board may, for the purpose of carrying out its functions and duties under this act, utilize the services of State and local agencies and their employees and, notwithstanding any other provision of law, may reimburse such State and local agencies and their employees for services rendered for such purposes.

(c) Every agricultural employer subject to any provision of this act or of any order issued under this act shall make, keep, and preserve such records of the persons employed by him, and of the wages and other conditions and practices of employment maintained by him, and shall preserve such records for such periods of time and shall make such reports therefrom to the Board as it shall prescribe by regulation or order as necessary or appropriate for the enforcement of the provisions of this act or the regulations or orders thereunder.

PROHIBITED ACTS

SEC. 10. (a) After the expiration of 120 days from the date of enactment of this act, it shall be unlawful for any agricultural employer—

(1) To transport, offer for transportation, ship, deliver, or sell, in commerce, or to ship, deliver, or sell, with knowledge that shipment, delivery, or sale thereof in commerce is intended, any agricultural commodities in the production, processing, or packing, of which any agricultural labor was employed in violation of any regulation or order of the Board issued under section 5;

(2) To violate any of the provisions of section 8 or any of the provisions of any regulation or order of the Board issued under section 5;

(3) To discharge or in any other manner discriminate against any employee or prospective employee because he has made any

statement with respect to purported violations of this act, or has made any complaint to his employer or to any other person or agency with respect to purported violations of this act, or has filed any complaint with the Department of Labor or the Department of Justice or any other governmental agency charging a violation of this act, or has testified or is about to testify with respect to any violation of the provisions of this act;

(4) To violate any of the provisions of section 9 (c) or to make any statement, report, or record filed or kept pursuant to the provisions of such section or of any regulation or order thereunder, knowing such statement, report, or record to be false in a material respect.

(b) For the purposes of subsection (a) (1) proof that an employee was engaged in agricultural labor on a farm or other place of employment where agricultural commodities, shipped or sold in commerce, were produced, processed, or packed, within 30 days prior to the removal of such commodities from such farm or operating unit, shall be prima facie evidence that such employees were engaged in the production, processing, or packing of such commodities.

PENALTIES

SEC. 11. (a) Any person who violates any of the provisions of section 10 of this act or any order thereunder shall upon conviction thereof be subject to a fine of not more than \$5,000 or to imprisonment for not more than 6 months, or both, for each offense.

(b) Any agricultural employer who violates the provisions of section 10 of this act shall be liable to the agricultural employee or employees affected in the amount of their unpaid fair and reasonable wages, and in an additional equal amount as liquidated damages. Action to recover such liability may be maintained in any court of competent jurisdiction by any one or more agricultural employees for and in behalf of himself or themselves and other agricultural employees similarly situated, or such agricultural employee or employees may designate an agent or representative to maintain such action for and in behalf of all agricultural employees similarly situated. The court in such action shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action.

INJUNCTION PROCEEDINGS

SEC. 12. The district courts of the United States, including the District Court of the United States for the District of Columbia, and the United States courts of the Territories and possessions, shall have jurisdiction, for cause shown, and subject to the provisions of section 17 (relating to notice to opposite party) of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended (U. S. C., 1940 ed., title 28, sec. 381), to restrain violations of section 10. Any such action may be brought in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

RELATION TO OTHER LAWS

SEC. 13. No provision of this act or of any order thereunder shall excuse noncompliance with any Federal or State law or municipal ordinance establishing a minimum wage higher than the agricultural wage rates established under this act, and no provision of this act shall justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard for working conditions in agriculture than the standard established under this act. No provision of this act shall justify any agricultural employer in reducing a wage paid by him which

is in excess of the applicable wage rate under this act, and no provision of this act shall prevent an agricultural employer from paying a wage which is in excess of the applicable wage rate under this act.

SEPARABILITY OF PROVISIONS

SEC. 14. If any provision of this act or the application of such provision to any person or circumstances is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 15. This act may be cited as the Agricultural Wage Board Act.

EXPLANATORY STATEMENT

The proposed bill attempts to establish a flexible wage-fixing procedure for industrialized agriculture. It creates an Agricultural Wages Board within the Department of Labor, composed of two representatives of agricultural employers, two representatives of agricultural employees, and an impartial chairman, to fix agricultural wages in various parts of the United States and enforce the wage regulations so issued. The wage regulations issued under the act will not apply to a farmer operating a nonindustrialized farm. A farmer who does not employ as many as four agricultural laborers at any one time during the preceding calendar year is exempt under the terms of section 2 (e). The Agricultural Wages Board is empowered to set up local agricultural wages committees within certain agricultural regions, and for various agricultural operations and commodities, whose responsibility it will be to carry on negotiations for the purpose of determining what the fair wage rates for the area and commodities within their respective jurisdictions should be. In effect, the local committees will perform collective-bargaining functions, since each committee will include equal numbers of agricultural employers and employees who will confer together with the public representatives for the purpose of determining fair wage rates. But, in addition, the committees will possess certain arbitration features since there will be public representatives who participate in formulation of recommendations.

The local agricultural wages committees will report their findings of fact and recommendations to the Board. After a public hearing has been allowed and all necessary legal due process has been observed, the Board will issue wage orders which will include wage schedules for various commodities and operations and also other provisions in regard to working conditions which may seem necessary and proper. The orders of the Board will be subject to approval of the National War Labor Board under the terms of the recent anti-inflation law and the Executive order setting up the Office of Economic Stabilization, so long as the anti-inflation law shall continue in effect.

The Board will authorize investigations and inspections of places and records of agricultural employers within its jurisdiction to insure proper compliance with such wage orders. Any shipments into the stream of interstate commerce of agricultural commodities which have been produced, sold, or transported under conditions violative of the act or violative of wage orders issued by the Board under authority granted by the act will be unlawful. Falsifying records and discriminating against employees seeking protection of the act will also be unlawful. Violations of the act will be prosecuted by the Board. Finally, minimum wages and maximum hours established under the Fair Labor Standards Act for any or all persons coming under the jurisdiction of the proposed bill will not be jeopardized, since the bill is not designed to abolish a legal minimum, but merely sets up machinery for allowing a flexible sliding scale of wages over and above a flat legal minimum.

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EXHIBIT F

AGRICULTURAL EMPLOYMENT STABILIZATION

The bill (S. 2864) to provide for the common defense; to provide for the general welfare of agricultural workers by amending the Social Security Act and the Internal Revenue Code to cover agricultural employment on large industrial farms with respect to old-age and survivors' insurance benefits; to establish a Federal Farm Placement Division within the Bureau of Employment Security of the Federal Security Agency; to provide a system of Federal Agricultural Unemployment Insurance; to raise revenue; and for other purposes, introduced by Mr. LA FOLLETTE (for Mr. THOMAS of Utah and himself), is as follows:

Be it enacted, etc.—

TITLE I

That the Social Security Act, as amended, be, and is hereby, amended as follows:

"SEC. 1. The first paragraph of subsection (a) of section 209 of the Social Security Act, as amended, is amended to read as follows:

"(a) The term 'wages' means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash. The Social Security Board may, from time to time, prescribe a schedule of values for noncash payments, such as room and board. Except that the term 'wages' shall not include—

"SEC. 2. Subsection (a) of section 209 of the Social Security Act, as amended, is hereby further amended by striking out the word 'or' at the end of subdivision (5) and the period at the end of subdivision (6), substituting a semicolon therefor, and adding the following new subdivisions:

"(7) With respect to 'agricultural employment' (as defined in section 209 (1)) the value of services exchanged for other services for which there is no payment other than the exchange; or

"(8) With respect to 'agricultural employment' (as defined in section 209 (1)) the value of crop or other payments in kind in return for services rendered under a sharecropping or share tenancy contract or agreement; or

"(10) With respect to 'agricultural employment' (as defined in section 209 (1)) the value of services performed by a member of the farmer's immediate family working on a farm owned and operated by such farmer.

"(9) With respect to 'agricultural employment' (as defined in section 209 (1)) the value of services performed for a farm operator who employed less than four persons for agricultural labor at all times during the calendar year or whose total annual wage bill during the calendar year was less than \$1,000."

"SEC. 3. Subdivision (1) of subsection (b) of section 209 of the Social Security Act, as amended, is amended by striking out the entire subdivision; and subdivisions (2) through (15) are hereby renumbered (1) through (14) consecutively.

"SEC. 4. Subsection (g) of section 209 of the Social Security Act, as amended, is hereby further amended by striking out the semicolon and the word 'or' at the end of subdivision (1), substituting a comma, and adding the following: 'except that the number of quarters elapsing after 1936 and prior to January 1, 1943, shall be limited to twice the number of quarters of coverage he actually established during this period, or 24, whichever number is smaller; or.'

"SEC. 5. Subsection (g) of section 209 of the Social Security Act, as amended, is hereby amended by striking out the last sen-

tence of that subsection and substituting therefor the following:

"The quarters of coverage credited to any individual in any calendar year elapsing after 1942 shall be equal to the number of quarters of coverage as computed above, or to the number of quarters of coverage deemed to have been acquired, by virtue of annual wages paid to such individual, in accordance with the following schedule, whichever is higher:

"Total annual wages:	"Deemed quarters of coverage
"Less than \$75.....	0
"\$75 and less than \$150.....	1
"\$150 and less than \$300.....	2
"\$300 and less than \$600.....	3
"\$600 and over.....	4

"SEC. 6. Section 209 of the Social Security Act, as amended, is hereby further amended by striking out the entire subsection (1) and substituting in lieu thereof the following:

"(1) The term 'agricultural employment' includes all services performed—

"(1) By an employee, on a farm, in connection with the cultivation of the soil, the raising and harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry; or

"(2) By an employee in connection with the processing of articles from materials which were produced on a farm; also the packing, packaging, transportation, or marketing of those materials or articles. Such services do not constitute agricultural employment, however, unless they are performed by an employee of the owner or tenant of the farm on which the materials in their raw or natural state were produced, and unless such processing, packing, packaging, transportation, or marketing is carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

"As used herein the term 'farm' embraces the farm in the ordinarily accepted sense, and includes stock, dairy, poultry, fruit, and truck farms, plantations, ranches, ranges, and orchards.

"The term 'agricultural employment' does not include forestry and lumbering."

"SEC. 7. Section 209 is hereby further amended by adding a new subsection (o) to read as follows:

"(o) The Social Security Board may by regulation determine who is an 'employer' or 'person employing' an individual who performs services in 'agricultural employment' (as defined in section 209 (1)) when the services are obtained from the individual by means of a contract or agreement with such person's child, parent, or other relative or with a labor contractor."

"SEC. 8. Subdivision (1) of subsection (b) of section 1426 of the Internal Revenue Code is amended by striking out the entire subdivision; and subdivisions (2) through (15) are hereby renumbered (1) through (14), consecutively.

"SEC. 9. Subsection (h) of section 1426 of the Internal Revenue Code is amended to read as follows:

"The Social Security Board may by regulation determine who is an 'employer' or 'person employing' an individual who performs services in 'agricultural labor' (as defined in section 209 (1) of the Social Security Act, as amended) when the services are obtained from the individual by means of a contract or agreement with such person's child, parent, or other relative or with a labor contractor."

"SEC. 10. (a) The contributions imposed by this title shall be collected by such agency or agencies as the Board of Trustees of the Federal Old Age and Survivors Insurance Trust Fund may from time to time designate and shall be paid into the trust fund as social insurance collections.

"(b) Those provisions of subchapter A of chapter 9 of the Internal Revenue Code which are specifically applicable to the Bureau of Internal Revenue or the Secretary of the Treasury, insofar as they are applicable to this subtitle, are hereby made applicable to such agency or agencies as the board of trustees may from time to time designate.

"Sec. 11. The following subsection is added after subsection (a) of section 1426 of the Internal Revenue Code:

"(a) Any 'wages' in 'agricultural labor' (as defined in sec. 209 (1) of the Social Security Act, as amended) shall not include:

"(a) The value of services exchanged for other services for which there is no payment other than the exchange;

"(b) The value of crop or other payments in kind in return for services rendered under a sharecropping or sharetenancy contract or agreement;

"(c) The value of services performed by members of a farmer's immediate family working on a farm owned and operated by such farmer; or

"(d) The value of services performed for a farm operator who employed less than four persons for agricultural labor at all times during the calendar year or whose total wage bill was less than \$1,000."

TITLE II

FINDINGS AND POLICY

SEC. 201. (a) The Congress hereby finds (1) that the agricultural labor market is of marked interstate character, that serious problems of interstate migration have arisen and effective operation of agricultural employment services has been greatly hampered by restrictive State lines; (2) that a sound agricultural employment program must be coordinated with other Federal activities susceptible only to public operation, and that only a Federally controlled and Federally operated employment service system of farm placement will function properly and effectively.

(b) It is hereby declared by Congress, through exercises of its power to regulate commerce among the several States, and its power to provide for the general welfare of the United States, that a Federal Farm Placement Service be created within the United States Employment Service to insure orderly interstate migration of agricultural labor, to insure satisfactory adjustment of labor supply to labor demand in agriculture, to insure complete and effective integration of agricultural and nonagricultural labor supply and demand, and to regularize and organize the employment of a trained and qualified agricultural labor force.

FEDERAL FARM PLACEMENT DIVISION

SEC. 202. (a) There is hereby created in the United States Employment Service a Federal Farm Placement Service. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1944, \$10,000,000, and there is hereby authorized to be appropriated for each fiscal year thereafter a sum sufficient to carry out the purposes of this title. The sums made available under this section shall be used for the operation of a United States Employment Service for agriculture.

(b) The Chief of the Federal Farm Placement Service (in this act referred to as the "Chief") shall submit annually in January a report to the Director of the United States Employment Service (in this act referred to as the "Director"), covering the activities of the Federal Farm Placement Service for the preceding year, an estimated budget for the following year to adequately provide a comprehensive placement service for agriculture, and including such information, data, and recommendations for further legislation in connection with the matters relating to the farm placement service as he may find advisable. The Director shall transmit the re-

port of the Chief to Congress at the beginning of each regular session.

POWERS AND DUTIES

SEC. 203. (a) It shall be the province and duty of the Chief, under the direction and supervision of the Director, to—

(1) promote and develop a comprehensive and effective national system of farm placement to secure agricultural employment for men, women, and juniors;

(2) state the objectives of a national farm placement program;

(3) prescribe the general standards for Federal farm placement activity;

(4) assure coordination of the regional and local activities of agricultural employment and to minimize extensive migrations of agricultural labor, to approve all interregional movements of labor, and to permit regional and local offices to fill requests for labor which would require migration, only after careful investigation of actual employment opportunities, and only to maintain the necessary mobility required for supplying sufficient labor to meet peak seasonal demands within a reasonable geographic area;

(5) assure extensive research activities which shall include careful studies of crops, labor conditions, and markets as they affect agricultural employment, to issue reports from time to time which shall be made public, to dispense reliable information as to opportunities for agricultural employment, and any other information which may be of value concerning agricultural employment conditions;

(6) provide an extensive educational program to inform agricultural employers and employees, and others, of the advantages and benefits derived from use of public farm placement services;

(7) cooperate with other Federal and State agencies interested in agriculture, or agricultural labor, to secure a better understanding and solution of agricultural employment problems;

(8) cooperate in training young people in the skilled branches of agricultural employment; and

(9) interest other groups and agencies in agricultural employment problems with a view to improving working conditions and the general standard of living of agricultural workers.

LOCAL EMPLOYMENT OFFICES

SEC. 204. (a) For each local employment office there shall be a local office manager, who shall be responsible for providing the actual employment services within his locality.

(b) It shall be the function of the manager to obtain the registration of agricultural employers and agricultural laborers within his locality, in accordance with registration forms adopted by the Director, subject to such variations in form due to local exigencies, which changes shall require the approval of the Director. Registration cards of laborers shall be assorted according to qualifications, experience, and length of residence, provided that all residents of 10 years or over within a locality be given uniform treatment. The registration cards of employers shall be tabulated according to types of labor required and estimated demands. The manager shall request of each employer of agricultural labor, before supplying laborers, full information regarding working conditions, and labor disturbances, if any, at the place of employment, which information shall be communicated to the job applicants.

(c) The registration cards of the agricultural workers in each locality shall be sorted and graded on the basis of a grading system and shall be separated into three lists:

(1) active—to supply the actual and usual demand for agricultural labor within the locality, and for other localities within an area or region;

(2) reserve—to meet extraordinary and uncalculated peak demands within the locality and for other localities within an area or region; and

(3) emergency—for use in case of excessive labor shortages due to unforeseen and uncontrollable causes.

It shall be the duty of the manager to exhaust the active list of agricultural laborers of his locality and then the active lists of all localities of the area or region before drawing on the reserve list; and he shall exhaust the reserve list of his locality and then the reserve lists of all localities of the area and region before drawing on the emergency list. After exhausting his emergency list, it shall be his duty to request emergency placements from other localities.

(d) It shall be the duty of the manager to see that laborers on his local active list are given job seniority and job preference within the locality. The manager shall keep a separate employment record for each laborer and shall attempt to mete out jobs in the locality, and secure jobs in other localities, in such a way as to assure for those laborers on the active list, employment for approximately 6 to 9 months during the calendar year. In filling employer requests for labor, the manager shall give due weight and consideration to individual preferences of employers and laborers for each other, and shall constantly strive to promote harmonious employer-employee relationships. The manager shall authorize all placements within his locality which do not require migration.

(e) When local demands cannot be met from active lists, the manager, through the area or regional representative, shall apply for additional workers; when a surplus exists, the manager shall notify the representative of the number of idle workers on the active list in his locality. Each manager shall assist in the balancing and leveling out of these labor excesses and labor deficiencies within the various localities by making prompt reports of surpluses and shortages; by contacting, immediately, other managers upon notification to do so; and by interchanging complete and accurate information with other managers regarding transportation facilities, probable duration of employment, estimated wage scales and other matters, thereby assisting in the necessary mobility of the agricultural labor force within the area or region to meet seasonal demands. Where all active lists for the region have been exhausted, the same procedure shall be followed for utilization of reserve lists. Where all reserve lists for the area or region have been exhausted, emergency lists shall be used through the same procedure. Only in cases of emergency proclaimed by the Director, where an entire regional supply of agricultural labor is exhausted, or approaching exhaustion, shall an interregional migration of labor take place.

(f) The manager shall cooperate with all social agencies, public officials, and community organizations within the locality for promotion of better economic and social conditions for agricultural workers.

ADVISORY COUNCILS

SEC. 205. The Director shall require the formation of local advisory councils in every community in which local employment offices have been established. These local councils shall be composed of local representatives of employers, laborers, and the public, and shall be selected in such manner as the Director shall prescribe. Each advisory council shall function on a voluntary basis, without compensation, and shall meet periodically to discuss problems relating to employment and unemployment within its specific area, and shall make reports to its local employment office on matters of policy and practice which require revision and reform. These reports shall be transmitted by the local managers to the Director.

RELATION TO OTHER LAWS

SEC. 206. (a) Nothing in this act shall affect (1) the jurisdiction of the United States Employment Service over public employment services; or (2) the jurisdiction of any other commission, board, agency, or officer of the United States insofar as it does not conflict with the provisions of this act or any rule, regulation, or order thereunder.

(b) No provisions of this act or any rule, regulation, or order thereunder shall excuse noncompliance with State laws or municipal ordinances regulating employment activities. No provision of this act shall be interpreted to hinder State farm placement programs: *Provided*, That such programs do not conflict with policies set forth in this act.

SEPARABILITY OF PROVISIONS

SEC. 207. (a) If any provision of this act or the application of such provisions to any person or circumstances is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 208. That this title be cited as the "Federal Farm Placement Act."

TITLE III

APPROPRIATION

SEC. 301. For the purpose of supporting an unemployment-insurance system for agricultural labor and enabling the Federal Farm Placement Service to furnish proper and efficient employment services for agricultural employers and agricultural laborers, there is hereby appropriated for the fiscal year ending 1944 the sum of \$50,000,000, and there is hereby authorized to be appropriated for each fiscal year thereafter a sum sufficient to carry out the purposes of this act. The sums made available under this section and the sums made available under section 302 of this act shall be used for the establishment and maintenance of the Federal Farm Placement Service set up under the Federal Farm Placement Act and for the disbursement of unemployment-insurance benefits to agricultural laborers in accordance with the provisions of subsequent sections of this title.

UNEMPLOYMENT-INSURANCE TAX

SEC. 302. Each "taxable agricultural employer" (as defined in section 303 (a) of this title) shall pay for the calendar year 1942 and for each calendar year thereafter, with respect to having individuals in his employ performing "agricultural labor" (as defined in section 1607 (L) of the Internal Revenue Code) an excise tax equal to 3 percent of the "total wages" (as defined in section 303 (c) of this title) paid by him during the calendar year for such agricultural labor: *Provided*, however, That any taxable agricultural employer who shall cooperate in reducing seasonal and other forms of unemployment of agricultural labor by recruiting 90 percent or more of his agricultural laborers through an employment office of the United States Employment Service shall pay an excise tax equal to 1½ percent of the total wages paid by him during the calendar year with respect to agricultural labor.

DEFINITIONS

SEC. 303. When used in this act—

(a) The term "taxable agricultural employer" includes any person who employs a total number of four or more individuals to perform agricultural labor at any one time in the calendar year: *Provided*, That the total annual wage bill for such employment is in excess of \$1,000 in the calendar year.

(b) The term "employ" means to suffer or permit to work for monetary wages or material goods on a temporary or permanent basis, and this includes services obtained from an individual by means of contract or agreement with such person's child, parent, or other relative, but the term "employ" shall not include services obtained by the employer from members of his immediate family.

(c) The term "total wages" includes all remuneration for agricultural labor which an agricultural employer has paid out during the calendar year, including the cash value of all remuneration paid in any medium other than cash. The Social Security Board may from time to time prescribe a schedule of values for noncash payments. Except that the term "wages" with respect to agricultural labor shall not apply (1) to the value of services exchanged for other services for which there is no payment other than the exchange; (2) to remuneration above \$3,000 paid to an agricultural laborer by his employer with respect to employment during any calendar year.

(d) The term "total unemployment" means lack of any employment, including employment not subject to this act, together with the total lack of all compensation, both of which are caused by the inability of an employee who is capable of and available for employment to obtain any employment in agriculture, or in any other employment for which he is reasonably fitted by training and experience, including employments not subject to this title.

SPECIAL AGRICULTURAL UNEMPLOYMENT TRUST FUND

SEC. 304. (a) There is hereby established in the Treasury of the United States a trust fund to be known as the "Special agricultural unemployment trust fund," hereinafter in this title referred to as the "trust fund." There is hereby appropriated to the trust fund all such amounts as may be appropriated by Congress for the purposes stated in section 301 of this act, together with 100 percent of the taxes (including interest, penalties, and additions to the taxes) received under this act and covered into the Treasury.

(b) Subsections (b), (c), (d), (e), (f), and (g) of section 201 of the Social Security Act, as amended, are hereby made applicable to this title, insofar as they are applicable.

BENEFITS

SEC. 305. (a) Benefits shall be paid from the trust fund at the direction of the Social Security Board to each unemployed agricultural laborer entitled thereto.

(b) No agricultural laborer shall be eligible to receive benefits unless he (1) is registered at a United States Employment Office in conformity with requirements fixed under the Federal Farm Placement Act; (2) has, prior to his claim for benefits, been placed upon an active list in such office in accordance with requirements fixed under the Federal Farm Placement Act; (3) has secured through the United States Employment Service 30 or more workdays of employment during the calendar year immediately preceding his claim for benefits; (4) is suffering total unemployment (as defined in section 303 (d) of this act) at the time of his claim; and (5) has given proper notice of his unemployed status in accordance with rules and regulations pertaining thereto which shall be issued by the Social Security Board.

(c) After a specified waiting period of not less than 7 days and not more than 14 days, which shall be determined by the Social Security Board, benefits shall be payable to each eligible unemployed agricultural laborer at a benefit rate established by the Social Security Board for a period not to exceed 26 times the weekly benefit amount.

(1) The Social Security Board shall issue a schedule of benefits to be paid, using actual wages earned during a period to be prescribed by the Board, benefits to approximate one-half the actual earnings during such period.

(d) The validity of the claim and the amount of benefits payable thereunder shall be determined in accordance with rules and procedure which shall be fixed by the Social Security Board. Any benefits found payable thereunder shall be paid through public employment offices at such time and in

such manner as the Social Security Board shall prescribe.

(e) Within 2 years after the enactment of this act the Social Security Board shall make a special report to the Congress concerning the administration of this title, including recommendations as to changes in this title.

OTHER LAWS APPLICABLE

SEC. 306. (a) All provisions of subchapter C of chapter 9 of the Internal Revenue Code relating to the payment of taxes, returns, penalties, and related matters, insofar as they are not inconsistent with this title shall be applicable with respect to the tax imposed by this title, and all provisions of titles II and XI of the Social Security Act, as amended, relating to evidence, procedure, and certification for payment, representation of claimants, assignment, penalties, and related matters insofar as they are not inconsistent with this title shall be applicable with respect to benefit payments and all other matters within the jurisdiction of the Social Security Board.

(b) Not later than March 31, next following the close of the taxable year, each taxable agricultural employer shall make a return of the excise tax levied under this title for such taxable year. Each such return shall be made under oath, and shall be filed with such agency as the board of trustees shall from time to time designate.

SEPARABILITY OF PROVISIONS

SEC. 307. If any provision of this title or the application of such provisions to any person or circumstances is held invalid, the remainder of the title and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 308. This title may be cited as the Federal Agricultural Unemployment Insurance Act.

EXPLANATORY STATEMENT

I

Title I of the proposed bill is directed toward coverage of agricultural workers under the Federal old-age and survivors' insurance program. At the present time, "agricultural labor" is excepted under section 209 (b) (1) of the Social Security Act and 1426 (b) (1) of the Internal Revenue Code, from the definition of "employment," and, therefore, all agricultural laborers are denied benefits under the act. In addition, the definition of agricultural labor contained in sections 209 (L) and 1426 (b), respectively, encompasses many occupations and processes which hardly can be called agricultural. Title I of the proposed bill sets out a basis for coverage of agricultural workers on large-scale industrialized farms, and attempts to meet the objections of those who oppose such coverage by outlining a feasible administrative technique for determining agricultural wages, and by defining and clarifying other relevant terms. However, it would not bring under the coverage of the pay-roll tax those farmers who employ less than four agricultural wage workers at all times during the year, and it would also exclude those farmers who employ a larger number for short periods of time if their total annual wage bill was less than \$1,000.

The bill provides that in the matter of determining what are wages in order that taxes may be levied on such wages, services given in exchange for other services of equal value are not wages, nor are payments resulting from sharecropping agreements to be considered wages. The exemption of the smaller farm operators, referred to above, is accomplished by providing the wages subject to tax levy do not include those received from the farm operator who employed less than four persons for agricultural labor at all times during the year or whose total annual wage bill was less than \$1,000 during the calendar year.

Sections 3 and 8 of title I strike out the exemption of agricultural labor from the Social Security Act and Internal Revenue Code, respectively. Sections 6 and 11 define agricultural employment, which definition is to be substituted in place of the present one in section 209 (L) of the Social Security Act and 1426 (b) of the Internal Revenue Code. A definition of agricultural employment must be retained although the exemption pertaining to agricultural labor has been eliminated in order to determine which taxes are to be paid and benefits to be received on the basis of agricultural wages established by the Social Security Board. However, a modification of the present definition was necessary in order to eliminate those occupations which cannot properly be called agriculture.

Before benefits can be paid under the present act, it must appear to the satisfaction of the Board that the individual, on the basis of whose wages the benefits are to be paid, was an insured individual. This is determined by use of quarters of coverage, each quarter comprising 3 calendar months. In order to remove the serious handicap of agricultural labor in industrialized agriculture in establishing these quarters of coverage because of the seasonality of much of that type of agricultural employment, section 5 of title I proposes an amendment to section 209 (g) of the Social Security Act to allow agricultural laborers to obtain insured status on the basis of annual wages or quarterly wages, whichever is the most advantageous.

Finally, sections 7 and 9 are designed to prevent an industrialized agricultural employer in the class defined above from escaping an employer-employee relationship through use of a subcontracting device under which he hires one member of the family who in turn contracts with other members of the family to perform services. Under sections 7 and 9, such services performed by any member of the family would still be covered employment if the Social Security Board so determined.

II

Title II of the proposed bill establishes within the United States Employment Service a Federal farm placement service to handle the problems of organization of the agricultural labor market on a national scale, and regularization of agricultural employment in agricultural areas throughout the United States. The chief of the service is given broad responsibilities, including formulation of a national farm placement policy, coordination of all regional and local activities to minimize migration of agricultural labor, and extensive research and educational activities of an essential character.

Registration cards of all agricultural laborers will be carefully classified by the local employment office and tabulated into 3 groups—active, reserve, and emergency. As far as it is possible, all workers on the active lists shall be given job preference, so that their employment will extend over a 6- to 9-month period during the calendar year. A system of borrowing workers from active lists of the various local offices of the region has been devised to aid in lengthening the annual employment of workers comprising the regular agricultural labor force for a particular geographic area. The Federal farm placement service will also cooperate with all other agencies, Federal, State, local, and private organizations which are concerned with agricultural labor problems. Local advisory councils are provided to aid the local employment offices in matters of policy and practice within the community.

III

Title III of the proposed bill is primarily a revenue bill, and will provide for the establishment of a Federal agricultural unemploy-

ment insurance system. Since the revenue from taxes will not be sufficient to take care of an unemployment compensation system for agricultural laborers, and a national farm employment service as well, it will be necessary to appropriate money each year which, together with moneys collected in taxes, will constitute a special agricultural unemployment insurance trust fund in the Treasury of the United States. This fund will be administered by the Secretary of the Treasury in the same manner as other Social Security trust funds. A 3-percent excise tax will be levied on the total annual wage bills of a defined class of agricultural employers, but those agricultural employers who shall cooperate in reducing seasonal and other forms of unemployment of agricultural labor by recruiting 90 percent or more of their agricultural laborers through the United States Employment Service shall be required to pay only one-half of the excise tax or, 1½ percent. Moreover, there would be a complete exemption from the unemployment compensation tax for all farmers who employ less than four farm workers at all times during the year, and those farmers who employ a larger number for short periods of time if their total annual wage bill was less than \$1,000.

The unemployment insurance benefits will be paid from the special fund to totally unemployed agricultural laborers who are eligible to receive benefits. Title III of the proposed bill defines total unemployment and sets up eligibility requirements among which registration with and previous employment obtained through the United States employment offices are primary considerations.

Title III does not purport to care for all persons who have ever engaged in agricultural labor. It is designed to protect the active or regular class of agricultural labor as described under title II. These workers must be protected from the hazards of seasonal unemployment which, through no fault of their own, is an ever-present feature of our agricultural economy of today. The benefits, therefore, are designed to tide the active or regular agricultural worker over the gaps between his seasonal spurts of employment. Actual computation of the benefits will be made by the Social Security Board. Claims for benefits, and payment of benefits will be made through United States employment offices.

Finally the proposed bill has attempted to establish a Federal system of social security for agricultural labor. The present Federal-State system used for payment of unemployment compensation in industry, and for other purposes, has been discarded as too cumbersome and restrictive to be effective in dealing with agricultural labor problems.

AMENDMENT OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT—CONFERENCE REPORT

Mr. HATCH. I present the conference report on Senate bill 2471, and ask unanimous consent for its present consideration.

The ACTING PRESIDENT pro tempore. The clerk will read the report.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2471) to amend the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, as amended, with respect to its application to officers and employees of educational, religious, eleemosynary, philanthropic, and cultural institutions, establishments, and agencies, commonly known as the Hatch Act, having met, after full and free conference, have agreed to recommend and

do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 2 and agree to the same.

That the House recede from its amendment numbered 3, for the reason that the conferees are of the unanimous opinion that nothing in the Hatch Act interdicts any person from expressing his opinion on any political subject or candidate.

WALTER F. GEORGE,
CARL A. HATCH,
WARREN R. AUSTIN,

Managers on the part of the Senate.

HATTON W. SUMNERS,
SAM HOBBS,
JOHN W. GWYNNE,

Managers on the part of the House.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

Mr. AIKEN. Mr. President, I should like to know what the conference committee decided on.

Mr. HATCH. The House conferees receded from the House amendment which included country editors.

Mr. AIKEN. That is what I wanted to know.

Mr. HATCH. The bill is now practically as it passed the Senate.

Mr. AIKEN. And country editors will still be subject to the Hatch Act, as others are?

Mr. HATCH. Just the same.

The ACTING PRESIDENT pro tempore. Is there objection to the consideration of the report?

There being no objection, the report was considered and agreed to.

SENATOR NORRIS, OF NEBRASKA

Mr. REED. Mr. President, today I speak, not as a member of a political party but as a citizen of the United States, concerned solely with the welfare of my country. Like the man of whom I speak, I, too, am full of years. Through these years I have watched the panorama of public life unfold and have seen many characters, great and near great, walk across the stage of human drama. With some of these actors I have had close contact. Others I have watched with keen interest as a student of political government.

Measured by the quality of high character, of unquestioned integrity, of untiring industry, of sterling common sense, and of unflinching devotion to the welfare of his fellow men I unhesitatingly accord to my friend and my colleague in the United States Senate, GEORGE W. NORRIS, of Nebraska, the distinction of being the most useful public servant and the most wholesome influence in our public life for 40 years.

The heart and mind of GEORGE NORRIS are filled with that divine discontent which moves men forward in the effort to better the rules under which our human society lives. In this effort he has known no distinction of race, or color, or creed. He has a passion for all humanity. Its welfare is his sole concern.

I first knew of GEORGE NORRIS through his leadership of a revolt of insurgent Republican Members of the House of Representatives, in the first decade of this century. I was in Washington in those years,

and one of my close friends was an associate leader of the insurgent movement, Victor Murdock, then a Member of the House of Representatives. I was a witness of the high ability and great skill with which GEORGE NORRIS led the movement to liberalize the rules of the House. GEORGE NORRIS is a born insurgent against tyranny of any kind, anywhere. He and his fellow insurgents were successful.

I have watched him through all these years. I watched him cast a vote against the declaration of war with Germany in 1917. I watched him induce his State of Nebraska to change its system of legislative authority to a unicameral basis. I watched his part in the change in the method of electing Members of the United States Senate from the legislative bodies of the States to a direct vote of the people of the States. I watched him in his effort, which was finally successful, to change the constitutional provision for meetings of Congress and the inauguration of the President of the United States. I have watched him and his part in other matters of first importance. He has been a patriot every time in every sense.

In all of these things, his pathway has been illuminated by the beacon light of his conscience and nothing else.

Mr. President, I say these things, I think and hope, without prejudice or bias of any kind. In the nearly 4 years that I have served in the Senate along with GEORGE NORRIS, he and I have voted more times, perhaps, on opposite sides than on the same side. On one or more occasions he has been a leader in debate on some question of importance and I have taken some part in the opposition. These differences of opinions, differences of voting, differences of action, are unimportant. They do not affect my belief that GEORGE NORRIS is our foremost public servant of any party and in any walk of public life today.

GEORGE NORRIS is an idealist, but a practical idealist. He possesses that highly essential quality, common sense, in a superlative degree. His language is plain; his words may be understood by anyone, even the humblest.

He commands an audience, not only in the Senate of the United States, but in the Nation. More than any other single Member of this body, he fairly may be termed a "Senator of the United States."

Under our system of government, Members of this body are selected by States, not by the Nation as a whole. If Senators were selected by the Nation as a whole, I am quite sure that Senator NORRIS, by an overwhelming, perhaps a unanimous, vote, would be continued in his membership as long as he lives and retains, as he does now, his mental and physical vigor. As things are, the State of Nebraska has the distinction of making his services available to the Nation. States have pride in their individual statehood. That is proper. I am glad that it is so. I have a high degree of pride in my own State. Always I am reluctant to offer suggestions or advice to other States in their choice of public servants.

However, I hope the people in Nebraska will forgive me for urging upon them

the importance of retaining GEORGE NORRIS in the place where he has been so useful, where he has rendered such great service, where he has so distinguished himself and where he has conferred high honor upon the State that sends him here. I feel these things very deeply. I feel them more deeply than I can easily explain. In Senator NORRIS, Nebraska and the Nation have a combination of talents so beneficial to our entire citizenry and so useful in this great legislative body that it would be an irreplaceable loss if he should not be continued here. Only the immediate importance of the decision to be made in the coming election warrants me in departing from a rule that I have heretofore always followed.

So I appeal to Nebraska, without partisanship, without prejudice, to return GEORGE NORRIS to the United States Senate. I do this in the full light of what I have said before—that in the last 4 years he and I, perhaps, have voted on opposite sides more often than on the same side. Again, I repeat, this is not important.

The most important thing in this life, in fact the one thing of real importance, is the degree of service we can render to our fellow men. Measured by that standard, the roll of those in that effort would show the name of GEORGE NORRIS as leading all the rest.

A CHALLENGE TO GOVERNOR MOSES, OF NORTH DAKOTA

Mr. LANGER. Mr. President, today is Monday, October 19, 1942. On Saturday, the day before yesterday, the proceedings brought to bar me from the United States Senate were closed with the payment of the fees to my attorneys.

Thus, this action, which had its beginning right after the election of November 1940, is closed 2 weeks before election in 1942.

Mr. President, later on, I shall have more—much more—to say about this proceeding that was instigated by my political enemies in North Dakota, who were aided and abetted by the grain gamblers in Chicago and Minneapolis. Those grain gamblers were bitter because of my action as Governor in 1937 which kept them from stealing \$12,000,000 from the farmers of North Dakota in the lightweight wheat racket.

But today I rise simply to bring to the attention of the Senate, now that the last chapter of my seating has finally been closed, a challenge to the Honorable John Moses, Governor of North Dakota, which was sent to him by Western Union yesterday. That challenge is as follows:

You have repeatedly made a campaign issue of the charge that there was dishonesty in State affairs on my part during my term as Governor. The main charge seems to be what you chose to designate as "corrupt bond transactions."

I hereby challenge you to debate me in any three of the county seats of the counties involved in these transactions. As Governor, you have had unlimited opportunity for investigation. The people are entitled to know whether they have an honest Senator or an incompetent Governor.

I will be in North Dakota for the entire week before election. You can select any

three of the county seats, which would be Carson, Mandan, Mott, Watford City, Stanton, Stanley, Crosby, Bismarck, Minot, Steele, Washburn, Killdeer, Rolla, Amidon, or Towner, and you can set the time and the place during that week, and I will pay the hall rent. If you will accept this challenge, I will donate \$25 to the Red Cross in every town where you will dare to debate me.

I am challenging you, and you alone, and none of your stooges. You made the charges, and I am calling upon you to defend yourself in the making of them or stand convicted before the people.

In these debates I am to speak the first 15 minutes; then you talk as long as you want to, and I will take 45 minutes to close.

Come on, now, John, and don't be afraid. Get on the platform with me face to face before the people of our State and produce your proof.

WILLIAM LANGER.

Mr. President, I mention this upon the floor of the Senate for the reason that there may be some Senators here who, knowing of this challenge, would feel in duty bound to assist Governor Moses in his coming ordeal in case he accepts, because I think that the Governor would be glad to have the assistance of some of the Senators who orated so long and so eloquently and so profusely in their unsuccessful endeavor to take from me the seat in the Senate to which, as GEORGE NORRIS, the distinguished Senator from Nebraska said, there was no claim that I had not been honestly elected.

SUPPLEMENTAL NATIONAL DEFENSE APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 7672) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1943, and for other purposes.

Mr. McKELLAR. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with, that it be read for amendment, and that the amendments of the committee be first considered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and it is so ordered.

Mr. McKELLAR. Mr. President, I feel that I should make a statement concerning the bill. I shall make it as brief as possible.

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Alken	Danaher	McKellar
Andrews	Davis	McNary
Austin	Downey	Maloney
Bailey	Doxey	Maybank
Ball	Ellender	Murdock
Barbour	George	Norris
Barkley	Gerry	Nye
Bilbo	Gillette	O'Daniel
Bone	Green	O'Mahoney
Brewster	Guffey	Overton
Bulow	Gurney	Pepper
Bunker	Hatch	Radcliffe
Burton	Hayden	Reed
Butler	Hill	Reynolds
Capper	Johnson, Calif.	Rosier
Caraway	Kilgore	Russell
Chandler	La Follette	Schwartz
Chavez	Langer	Shipstead
Clark, Idaho	Lee	Spencer
Connally	McFarland	Thomas, Idaho

Thomas, Okla. Vandenberg Walsh
Thomas, Utah Van Nuys Wheeler
Tunnell Wagner Wiley
Tydings Wallgren Willis

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] and the Senator from Delaware [Mr. HUGHES] are absent from the Senate because of illness.

The Senator from Alabama [Mr. BANKHEAD], the Senator from Michigan [Mr. BROWN], the Senator from Virginia [Mr. BYRD], the Senator from Missouri [Mr. CLARK], the Senator from Iowa [Mr. HERRING], the Senator from Colorado [Mr. JOHNSON], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. McCARRAN], the Senator from New York [Mr. MEAD], the Senator from Montana [Mr. MURRAY], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], the Senator from Tennessee [Mr. STEWART], and the Senator from Missouri [Mr. TRUMAN] are necessarily absent.

Mr. McNARY. The Senator from New Hampshire [Mr. BRIDGES], the Senator from Illinois [Mr. BROOKS], the Senator from Oregon [Mr. HOLMAN], the Senator from Massachusetts [Mr. LODGE], the Senator from Colorado [Mr. MILLIKIN], and the Senator from Ohio [Mr. TAFT] are necessarily absent.

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, a quorum is present.

Mr. McKELLAR. Mr. President, the committee unanimously reported the bill. I think I should make an explanation to the Senate about it. It is divided into three titles. The first title is made up of appropriations for the Navy Department. The largest amount of the appropriations is for the Navy Department—\$5,599,974,308. That is to be used very largely for airplanes. The largest single appropriation in that title is for airplanes for the Navy.

The House divided the bill into two titles, as shown in the following table:

Agency	Budget estimate	Recommended in bill	Increase (+) or decrease (—), bill compared with estimates
Title I—Navy Department	\$5,599,974,308	\$5,595,388,308	—\$4,586,000
Title II—General appropriations:			
President's emergency fund	25,000,000	25,000,000	
Office of Civilian Defense	1,042,000		—1,042,000
Office of Coordinator of Inter-American Affairs	5,500,000	5,000,000	—500,000
Office of Defense Transportation	5,290,000	5,200,000	—90,000
Office of War Information	26,990,000	25,000,000	—1,990,000
War Manpower Commission	17,166,000	10,303,680	—6,862,320
Public Building Maintenance	7,636,260	7,636,260	
War housing	600,000,000	500,000,000	—100,000,000
Emergency rubber project (guayule)	19,000,000	19,000,000	
Reduction in interest on farm mortgages	33,800,000	33,800,000	
Collecting internal revenue	8,199,720	8,000,000	—199,720
Miscellaneous items	2,823,293	2,628,373	—194,920
Total, title II	752,447,273	641,568,313	—110,878,960
Grand total, titles I and II	6,352,421,581	6,236,956,621	—115,464,960

Under title I it grouped the appropriations going to the Navy Department. The House appropriated for the Navy \$5,599,974,308, and the Senate added to this sum \$2,266.99. Perhaps I could more succinctly state what these naval appropriations are by quoting again from the House report, pages 2 and 3 thereof:

TITLE I—NAVY DEPARTMENT

The appropriations recommended under this title are in consequence of supplemental and deficiency estimates of appropriations contained in House Documents 845 and 860, of the present session, as follows:

House Document 845:	
Fiscal year 1942 (deficiency)	\$6,820,000
Fiscal year 1943 (supplemental)	2,731,154,308
House Document 860: Fiscal year 1943 (supplemental)	2,862,000,000
Total	5,599,974,308

In addition to the foregoing sum, the submission contained in House Document 845 includes a proposal to permit the incurrence of obligations for constructing the naval craft authorized in Public Laws 665 and 666, each approved July 9, 1942, the total cost of which has been estimated at \$9,510,000,000.

With the exception of a reduction of \$4,586,000 in a Coast Guard item the committee recommends approval of the Budget estimates without change as regards money phases; also, it is proposing some additional minor legislation, confined to fiscal year effective-

ness, pursuant to its inquiry of departmental officials. The bill, therefore, would make available a total of \$5,595,388,308 by way of direct appropriations and gives approval to the incurrence of obligations on account of naval vessels to the extent of \$9,510,000,000, more or less. As indicated at the outset hereof, \$6,820,000 of the amount of direct appropriations represents actual deficiencies for the fiscal year 1942.

There previously has been made available to the Navy Department for the fiscal year 1943 the following amounts:

Direct appropriations	\$14,254,779,974
Contractual authority	1,474,634,000
Total	15,729,413,974

The amounts in the accompanying measure would raise such total to \$30,827,982,282, of which \$19,843,348,282 represents direct appropriations and \$10,984,634,000 contractual authority.

There follows a segregation of the amounts proposed for the fiscal year 1943 into general objects of expenditure:

Personnel:

Training, education, and welfare, Navy	\$21,640,000
Pay, subsistence, clothing, transportation, and recruiting:	
Navy	734,216,136
Marine Corps	277,507,642
Coast Guard	192,480,000
Medical Department	19,766,000
Total	1,245,609,778

Maintenance and operation, fleet and shore establishments	\$102,422,530
Defense installations, merchant vessels	100,000,000

Aviation:

Procurement of airplanes	2,862,000,000
Nonrigid airships	36,330,000
Stockage of aeronautical accessories	352,567,000
Maintenance and operation	225,203,833
Transport service	25,883,700
Miscellaneous, including defense aid	320,015,467
Total	3,822,000,000

Marine Corps: Equipment, supplies, and miscellaneous expenses

176,941,000

Coast Guard:

Administrative expenses

495,000

General expenses, including purchase, charter, and conversion of vessels

141,100,050

Total 5,588,568,308

Generally speaking, the foregoing amounts are responsive to four factors, namely: (1) Commissioning of additional fleet units and patrol craft, (2) aviation augmentation, (3) larger Marine Corps forces, and (4) previously unprovided-for legislation.

The last accounts for \$460,954,681, applying to the Navy, Marine Corps, and Coast Guard, directly in consequence of legislation touching pay and dependents' allowances, and for \$9,510,000,000 of what is tantamount to contractual authority, such sum being the estimated whole cost of the following authorized augmentation of naval vessels:

Public Law 666:

Aircraft carriers (tons)	500,000
Cruisers (tons)	500,000
Destroyer and destroyer-escort vessels (tons)	900,000
Small patrol, mine, etc., vessels (units)	800
Small coastal defense, patrol, mine-sweeping, etc., vessels (acquisition and conversion) units	200

Public Law 665: Auxiliary vessels (acquisition, conversion, or construction) (tons) 200,000

It will be seen, therefore, that insofar as the Navy is concerned, under the Senate bill we have appropriated \$5,599,976,574.99.

It will be seen from this statement that the largest single item is the procurement of airplanes, \$2,862,000,000.

The next largest item is an increase for personnel of \$1,245,609,778.

The Senate committee believes that the augmentation of aircraft by the Navy is absolutely necessary. The Navy expects to build 14,611 airplanes with this money. Airplanes are going to win this war, and your committee has uniformly taken the position to furnish all the money necessary to build airplanes and airplane parts.

It is true that the bill carries \$36,330,000 for nonrigid airships. The committee is not so certain about the prime value of these airships, but we must take no chances during this war. We are, therefore, appropriating this money.

It will be seen on page 5 of the bill that we have given the Navy contractual authority to build aircraft carriers, cruisers, destroyers, and other auxiliary vessels in the amount of \$9,510,000,000. These have already been authorized.

So that, while the Navy is given the sum of \$5,599,976,574.99 of actual appropriations, in addition thereto is contractual authority for \$9,510,000,000 more for which appropriations will have to be made in the future.

In addition to the foregoing, the following general appropriations were made under title II:

TITLE II—GENERAL APPROPRIATIONS

The amount recommended to be appropriated under title II is \$641,568,313, which is \$110,878,960 less than the Budget estimates. This amount is comprised in a few major items, namely:

Emergency fund for the President	\$25,000,000
Office of War Information	25,000,000
Office of Coordinator of Inter-American Affairs	5,000,000
Office of Defense Transportation	5,200,000
War Manpower Commission	10,303,680
War Housing	500,000,000
Emergency rubber project (guayule)	19,000,000
Reduction in interest on farm mortgages	33,800,000

The committee approved these items, together with some changes.

SENATE COMMITTEE CHANGES

First. The committee also approved the sum of \$57,874 for salaries and expenses of certain temporary clerks of courts, the necessity for which was brought about by the large number of suits brought for the condemnation of lands in different parts of the country during the emergency. The Budget estimate for this was \$75,000, but this included some twenty-one more clerks that the committee did not deem necessary.

Second. The committee also added a request for transportation of persons and goods in connection with the Board of Economic Warfare, but put a limitation of \$50,000 for transportation of dependents and effects of employees.

Third. The bill as passed by the House provided that the Coordinator of Inter-American Affairs is authorized to agree on behalf of the United States to indemnify owners and operators of international short-wave radio stations and facilities used by his office against loss or damage on account of physical injury to persons or property arising from such use of said radio stations and facilities. It was represented to the Committee that the Office of Coordinator of Inter-American Affairs is contracting for the use of international short-wave radio stations and facilities, including the exclusive right to determine program content. These contracts will be on a cost basis without profit to the owners, and operators should be indemnified against loss or damage on account of injury to persons or property arising from the Government's use of such radio stations and facilities. Such injuries might possibly include more than physical injuries; namely, injury to persons in the form of slanderous statements broadcast in programs controlled by this office, for which the owners and operators of such radio stations would be legally responsible. It is, therefore, recommended that the word "physical" be deleted. For the same reason the word "physical" is deleted from

the appropriation for the Office of War Information.

WAR MANPOWER COMMISSION

Fourth. Chairman Paul V. McNutt stated to the committee that the pressure for manpower in the country is now being acutely felt; so many boys are being taken into the Army that in some agricultural parts of the country there is great need for labor on the farms, and also there is a shortage of labor in other directions. Appropriations had already been made for the Manpower Commission of \$3,231,052. The Budget estimate called for an increased staff in the field organization to raise the number from 299 to 1,038, or 739 additional positions. This force was to be distributed in strengthening the 12 regional offices, and the recommendation was to increase these area offices from 25 to 130, each to have adequate personnel, with the idea of obtaining labor quickly. The request was made for \$2,213,000, and the House cut it by \$400,000. The Senate Committee left the item as it was passed by the House.

In the Employment Service the situation is shown by the following excerpt from the House report:

Completion of the national occupational inventory	\$6,131,049
Collection of labor-market data	501,658
Extension of the farm placement service	2,058,333
Additional facilities to secure orderly recruitment practices	2,802,960
Readjustment of U. S. Employment Service salaries of former State employees to Federal classification level	3,273,000
	14,767,000

The committee recommends a total of \$8,304,618 under the above Budget estimate distributed among the five items as follows:

Completion of national occupational inventory	\$5,000,000
Collection of labor-market data	501,658
Extension of farm placement service	None
Additional facilities to secure orderly recruitment practices	2,802,960
Readjustment of U. S. Employment Service salaries of former State employees to Federal classification level	None
	8,304,618

It will be seen from this that the House did not appropriate anything at all for farm placement service. The House denied the request of \$2,058,333. The Senate committee inserted a fund of \$1,000,000. The reason this was done was because Commissioner McNutt stated that the plans of the Manpower Commission had not yet been formulated, that they were at work on the plans, and your committee felt that in such a situation \$1,000,000 would be a sufficient sum to guard against any lack of funds at the present time. The committee also added a provision that personnel to be paid out of this fund drawing salaries of \$4,500 or more should be appointed by the President by and with the consent of the Senate, and in accordance with the provisions of the Constitution of the United States. There has been great complaint as to certain employees, and your committee believes it will make for better administration of this Department if its officers

be selected with greater care, and that greater care can only be had by having the higher officers appointed by and with the consent of the Senate. I judge from newspaper articles that he does not approve of this, so it is a matter for the Senate to determine, first, whether an appropriation should be made at all, and, second, whether any limitation should be put upon it. I think your committee was right in its action.

As to the item of readjustment of United States Employment Service salaries of former State employees to Federal employment level, the House did not appropriate anything although the recommendation was for \$3,273,000. The Senate committee approved the action of the House. The reasons were, first, that it will be recalled that the Federal Government some time ago took over the State organizations of the Employment Service that had theretofore been a joint organization of the States and the Federal Government. It was determined by the Federal Government that the taking over of this Service by the Federal Government should only be for the duration of the present war, and after the war is over it should go back to the States. The officers of the States in large numbers came before the committee last spring and insisted that the salaries should not be raised by the Government but should be left as they were at the time of the taking over. This was so done. Your committee sees no reason to change that position.

Again, we have just passed a law freezing all salaries, and we did not think these particular salaries should be singled out for increase at this time. It may work some discrimination, but all salaries of the Government cannot be equalized and certainly this should not be attempted during wartime and just after we have passed a bill freezing all salaries, except those that are grossly unjust. The President was given the authority to adjust those, as I recall.

The committee added an item for the Columbia Institution for the Deaf in the amount of \$4,500.

The committee increased the limitation of \$5,000 on the amount which may be expended from appropriations made to the Interstate Commerce Commission for the transfer of household goods and effects to \$20,000.

The committee added \$100,000,000 for housing. It was claimed that housing was so necessary throughout the country where there are war activities that it was deemed necessary to increase the sum from \$500,000,000 appropriated by the House to \$600,000,000.

The committee added authority to use \$30,000 of funds already appropriated for the acquisition of additional lands by the Forest Products Laboratory, at Madison, Wis., such lands being adjacent to the present site of the laboratory. This had been reported before and passed by the Senate but was stricken out by the House. It was allowed by your committee because the testimony before the committee indicated it was very important.

Your committee has also inserted language making available funds already appropriated to the Civil Aeronautics Administration and the Weather Bureau for

the payment of traveling expenses of appointees of said agencies from the point of engagement in the United States to their posts of duty outside the continental limits of the United States.

The committee allowed \$1,500 for care and custody of the insane in Alaska.

We also allowed \$500,000 for construction of the Palmer-Richardson Road in Alaska.

The committee allowed the Department of Justice for printing and binding \$225,000.

We allowed the Treasury Department to pay the expenses of absentee voting in the amount of \$1,200,000.

The War Department was allowed an additional item of \$1,567 to pay for damages due to military operations and changed some language. This change of language concerned the Intercoastal Waterway.

For judgments and authorized claims was added the sum of \$1,157,558.67.

The total of moneys appropriated as reported to the Senate is \$6,341,196,887.66. This is an increase of \$104,240,266.66, but \$100,000,000 of this was the addition made for housing.

I think this statement will give the Senate a fairly accurate statement of what is contained in this bill and what the changes are. There are a number of amendments, rather small, that I have been authorized to present in the name of the committee. Under the rules of the Senate notice had to be given to suspend the rules. This has been done so that the amendments can be considered. I shall take pleasure in explaining them as they are read and brought up.

I hope the bill will be speedily passed.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. McNARY. What is the amount which is to be used for airplanes?

Mr. McKELLAR. I shall give the Senator the various amounts:

Personnel:

Training, education and welfare, Navy.....	\$21,640,000
Pay, subsistence, clothing, transportation, and recruiting:	
Navy.....	734,216,136
Marine Corps.....	277,507,642
Coast Guard.....	192,480,000
Medical Department.....	19,766,000
	<hr/>
	1,245,609,778

Maintenance and operation, fleet and shore establishments.....	102,422,530
Defense installations, merchant vessels.....	100,000,000

Aviation:

Procurement of airplanes.....	2,862,000,000
Nonrigid airships.....	36,330,000
Stockage of aeronautical accessories.....	352,567,000
Maintenance and operation.....	225,203,833
Transport service.....	25,883,700
Miscellaneous, including defense aid.....	320,015,467

The Senator and the Senate will thus see that the greater part of the item—in fact, practically all of it—is for airplanes, airplane accessories, nonrigid airships, and the like. The total for the item is \$3,822,000,000.

In addition, there are the following:

Marine Corps: Equipment, supplies, and miscellaneous expenses.....	\$176,941,000
Coast Guard:	
Administrative expenses.....	495,000
General expenses, including purchase, charter, and conversion of vessels.....	141,100,050

Or a total of \$5,588,568,308 for the use of the Navy, of which, as I stated before, \$3,822,000,000 is for aviation and its accessories.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. McNARY rose.

Mr. VANDENBERG. Am I interrupting the Senator from Oregon?

Mr. McNARY. No; go ahead.

Mr. VANDENBERG. Can the Senator tell me the figure to which the bill would bring the total appropriations for the war effort?

Mr. McKELLAR. I cannot give the Senator the figure offhand. Does the Senator mean the total appropriations for the Navy Department or for all war purposes?

Mr. VANDENBERG. I mean for all war purposes.

Mr. McKELLAR. I cannot give that figure at the moment, but I shall obtain the information and shall put the figure in the RECORD.

Mr. VANDENBERG. It comes well up to \$225,000,000,000; does it not?

Mr. McKELLAR. I think it is over \$200,000,000,000. Of course, not anything like that amount has been spent.

Mr. VANDENBERG. I understand that.

Mr. McKELLAR. But that much has been appropriated or has been authorized to be appropriated.

Mr. VANDENBERG. As bearing upon an intelligent conception of our fiscal task in connection with the war and in connection with the country's reaction to the new tax bill which we shall pass this week, I simply want to make the observation that the pending purely supplemental appropriation for the war effort practically exhausts every penny of revenue which we are about to raise under the tax bill to which we have devoted the last 10 months of labor.

I do not make that statement by way of complaint or criticism, but by way of illumination, to indicate to the country the utterly terrific extent of the burden which is confronted by the fiscal agencies of the Government and by the fiscal committees of the Congress in writing tax bills.

Mr. McKELLAR. Yes; I can understand it, and we all know the seriousness of the situation.

I am glad to put into the RECORD the figure for which the Senator has asked: Prior to the passage of the pending bill the total amount has been approximately \$205,000,000,000—as I said, I thought it was a little in excess of \$200,000,000,000, and it is—\$205,514,657,286.

Mr. VANDENBERG. And the pending bill adds \$5,000,000,000?

Mr. McKELLAR. The figure is approximately \$6,000,000,000, all told. I have not as yet got the items that constitute the remainder.

Mr. VANDENBERG. That produces a grand total, including the supplemental bill, of approximately \$211,000,000,000?

Mr. McKELLAR. Yes.

Mr. VANDENBERG. I point out again, purely by way of information to the country, that out of this \$211,000,000,000 the new tax bill will not raise over \$8,000,000,000 as against \$211,000,000,000.

Mr. McKELLAR. The Senator's figures are not exactly accurate. I have not given all the figures. In addition to the appropriation of, in round numbers, \$6,000,000,000 in this bill, there are contract authorizations in the bill for ships of various kinds which have already been authorized by the Congress of \$9,200,000,000 more, which would raise the total to about \$220,000,000,000 when this bill shall be passed.

Mr. McNARY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Oregon?

Mr. McKELLAR. I yield.

Mr. McNARY. On that point, perhaps the matter has already been developed, a few days ago in a colloquy with the Senator from Tennessee I referred to this bill as carrying between five and six billion dollars. He corrected me by saying it carried about nine and a half billion dollars. That is what I wanted to have stated in the RECORD.

Mr. McKELLAR. I made an error if I stated it was nine and a half billion dollars. I have not looked at the RECORD since, and do not know what the RECORD shows, but my reply should have been that it was in the neighborhood of \$6,000,000,000 actual appropriations in this bill, to which there should be added \$9,510,000,000 of contract authorizations for which, of course, the appropriations will come later.

Mr. McNARY. I have not the RECORD before me, but I remember the Senator placed it at a larger sum than I had in mind.

Mr. McKELLAR. I think it was due to the additional \$9,510,000,000.

Mr. McNARY. I am not making any point on that; I simply want to have the RECORD accurately portray the facts.

Mr. McKELLAR. I thank the Senator.

Mr. McNARY. On the question of airplanes, I think the Senator said about half this appropriation would be used for aircraft?

Mr. McKELLAR. More than half of it. To be accurate, substantially—I say “substantially” because I do not understand exactly what is covered by the words “transport service” and the word “miscellaneous,” which apply to a very small portion of the appropriation—the amount for aircraft service is \$3,822,000,000.

Mr. McNARY. Of the amount carried in this bill as a cash appropriation, I observe that may be correct, but on page 1 of the hearings the amount in the bill is specified as \$5,600,000,000, and on page 2 Mr. Forrestal says that \$2,862,000,000 is for aircraft, for the construction of 14,611 planes. I was merely curious to know why the amount which the Senator suggests is different from the one stated by Mr. Forrestal, but it

may be associated with the construction of planes.

Mr. McKELLAR. He merely included the procurement of airplanes to the amount of \$2,862,000,000.

Mr. McNARY. I am tremendously interested. The only excuse I find, if any, for voting for the bill is the fact that it provides for the construction of airplanes, and I am very air minded.

Mr. McKELLAR. I think the Senate, as a whole, feels the same way about it; I know I do; and I am glad that additional airplanes are to be constructed, for I think, when we win this war, it will be through the medium of airplanes.

Mr. McNARY. I should like to ask another question. When the Army appropriation bill was before the Senate in charge of the Senator from Oklahoma, I asked about the unexpended and unobligated amount of money available at that time, and I think we found that the unexpended and unobligated balance was about \$36,000,000,000. That being the case, I thought that we probably would not have another appropriation for our war activities at least until 1943. I think the Record, as published a day or two ago—I read it rather hastily last evening—shows that the unobligated and unexpended balance is about \$26,000,000,000.

Mr. McKELLAR. In the War Department.

Mr. McNARY. In the Navy Department. So there is sufficient now to carry their activities through another year. I should like to get those figures.

Mr. McKELLAR. I think it is true that there is a large unexpended balance.

Mr. McNARY. Amounting to about \$26,000,000,000.

Mr. McKELLAR. But not for the purpose of providing airplanes.

Mr. McNARY. Then what is the purpose?

Mr. McKELLAR. By the way, let me say that if the Senator will look at the Senate hearings, page 5, he will find that the balance includes the amount in this bill as passed by the House of \$5,583,000,000, and, in addition to that, it includes \$9,510,000,000 of authorizations. If the Senator will look at page 5, at the top of the page, he will find the figures under the heading "Obligation statement, 1943."

Mr. McNARY. I notice that reference. I also observe on page 4, when the Senator from Louisiana [Mr. Overton] was pressing Admiral Allen and Mr. Forrestal, the Senator remarked:

This shows—well, that shows \$36,000,000,000, approximately, cash expenditures of \$10,000,000,000. That would be a difference of about \$26,000,000,000.

Then the Senator from Louisiana properly inquired:

At what rate are you actually spending the appropriations now?

Mr. Forrestal. We are going at the rate of about \$20,000,000,000 per year. That is, for this fiscal year.

Senator Overton. So at that same rate you have about a year and a half ahead of you?

Mr. Forrestal. Yes.

If sufficient money has been appropriated by Congress to cover 18 months

from this time what is the reason—there may be a very good one—for keeping this reservoir filled with Government funds which are not needed when we are having such a difficult time raising the money to carry on the war?

Mr. McKELLAR. If the Senator will look again at page 5 he will see that the item of \$5,583,000,000 is carried in the bill for aircraft, and I think everyone realizes that more aircraft ought to be built by the Navy. It also includes the ship authorizations in the sum of \$9,510,000,000. Incidentally—and if I am wrong the able chairman of the Committee on Naval Affairs is present and can correct me—as I recall in the building of the ships—and, by the way, ships sometimes take 3 or 4 years to build—there must either be a contract authorization to begin the ships or there must be an actual appropriation of money. That is, as I understand it. If I am wrong about it, I should like to be corrected and the Senator from Massachusetts can give the information to the Senator from Oregon.

Mr. McNARY. I think I may properly make the statement that, of course, there must be either existing law or an authorization upon which to base an appropriation. That is fundamental.

Mr. McKELLAR. Yes.

Mr. McNARY. That has not been changed by anything that has occurred during the course and conduct of the war.

Mr. McKELLAR. No.

Mr. McNARY. Every one knows that who is familiar with legislation in the Senate.

Mr. McKELLAR. The Senator is entirely correct about it.

Mr. McNARY. That, however, is not my inquiry at all; I appreciate that fundamental orthodox method of legislation.

What I am asking is this: The Senator stated that because airplanes are not mentioned in a specific amount none of this unexpended balance of \$26,000,000,000 could be used. I think there is ample authority for the statement that we have given the President ample power to transfer these funds from one function to another, and if the Navy has \$26,000,000,000 of unexpended money—and that I think is the figure the Senator gave me—is it necessary to pass an appropriation of five and a half billion dollars to reach the airplane-construction program? That is the question, and it is a simple one.

Mr. McKELLAR. It is a simple one, in a way, but it does not express exactly what the Senator wants to find out, for the reason that of the \$26,000,000,000 authorized upwards of \$15,000,000,000 is included in the \$26,000,000,000, so that 15 from 26 leaves \$11,000,000,000 that have been appropriated for other purposes. The \$15,000,000,000 is covered by the appropriation of \$5,583,000,000 and by the ship authorization of \$9,510,000,000. Do I make it plain to the Senator? I hope I have.

Mr. McNARY. The Senator may have made it plain, but I may not be able to perceive as rapidly as the able Senator from Tennessee.

Mr. McKELLAR. Oh, yes, I think the Senator can.

Mr. McNARY. The Senator started out with a premise, and I thought his statement was that there is an unexpended balance of \$26,000,000,000.

Mr. McKELLAR. It includes the two items in the pending bill to which I have referred.

Mr. McNARY. Then the Senator said there must be an authorization to spend a few billion dollars for planes.

Mr. McKELLAR. The authorization has already been made; what we are considering is an appropriation for the building of the planes.

Mr. McNARY. I appreciate that, and what I want to inquire about is the unobligated balance. There is an unobligated balance. What is that balance?

Mr. McKELLAR. That balance is the difference between \$27,098,000,000, instead of the figures the Senator gave, and the \$15,098,568,308, which is included in the pending bill.

Mr. McNARY. What is the net sum? Has the Senator a statement as to that?

Mr. McKELLAR. I have not, because we are considering a different situation. I will give the Senator the figure in a moment. It will be a little more than \$12,000,000,000.

Mr. McNARY. Very well.

Mr. McKELLAR. That is authorized for the various departments in the Navy for shipbuilding, for the personnel, and for every other purpose connected with the Navy. That \$12,000,000,000 has been authorized, and the \$15,098,000,000 in the pending bill, which is authorized and appropriated at one time, is also made available, which will make the amount available \$27,098,000,000.

Mr. McNARY. That does not seem wholly to conform with the record that was made before the committee, if I understand the figures. I am not quarreling about it. I refer to page 4, where it is figured by Mr. Forrestal that the Navy will have about \$26,000,000,000 unexpended, and that that will be available for a year and a half. I do not want to see the Navy denied sufficient money, but I do not understand the reason for the planning which permits a big background of unexpended billions of dollars to remain in the Treasury when we are having such great difficulty and straining so hard to replenish these sums. If we have on hand enough for a year and a half, a carry-over of billions of dollars, why this bill, unless it is for the purpose, as the Senator has said, of authorizing an expenditure for airplanes? Then I replied that is not needed, because the President has power to transfer funds from one source to another, and he can transfer them to the production of airplanes.

Mr. McKELLAR. I am not sure that the President transfers these funds in the Navy Department. I cannot say about that, whether he has or whether he has not, but the House committee made a statement about it in the report which I think it is timely to read at this point. It is very short. The House committee in its report on the pending bill says:

The instant program is intended to maintain a full and even flow for some months

ahead, which would seem to be a thoroughly justifiable policy so long as future requirements remain unpredictable.

I stop reading there to say that, in my judgment, if it were ever unpredictable how many planes would be needed for the future, it is unpredictable at this time. That the planes are necessary, that we must have an even flow of them, I think we all must realize. In my judgment, we cannot do more to win the war speedily than to provide all necessary airplanes for the Army, Navy, and Marine Corps.

Mr. McNARY. I stated that earlier.

Mr. McKELLAR. The Senator did.

Mr. McNARY. I would go further than what is proposed. My dear friend, Mr. Kaiser, from Oregon and California, wants to build planes in which to carry soldiers and munitions.

Mr. McKELLAR. I agree with the Senator about that. I would give Mr. Kaiser every opportunity he sought.

Mr. McNARY. I would take the quickest and cheapest way of crushing Hitler. I am not arguing about that. What I am trying to determine at this time is how much money we have. Do we need to expend the money here called for? Has not the President power to transfer funds if they are needed, and how large is the backlog? How many billion dollars does the reservoir hold? Those are the questions which I am interested in having answered, not whether we need airplanes or not. I concede that we do. I go further in that respect, probably, than the able Senator would go.

Mr. McKELLAR. I will read further from the House report on that subject. Senators will remember that some time ago the President established a program for the production of 50,000 airplanes a year, if I recall correctly. In the report of the House committee it is stated:

The instant program is intended to maintain a full and even flow for some months ahead, which would seem to be a thoroughly justifiable policy so long as future requirements remain unpredictable. There is no thought to go beyond the production rate contemplated by the President's message of January 6, 1942, but rather to assure its realization and maintenance, particularly as to naval airplanes.

I do not believe I myself could answer the Senator's question as well as it is answered by that quotation. The President announced the number of airplanes expected to be produced this year. The Navy could not realize their share of the program with the money they then had on hand for that purpose. They sent in estimates which would permit them to realize it, or substantially realize it. The House committee in its report stated:

There is no thought to go beyond the production rate contemplated by the President's message of January 6, 1942, but rather to assure its realization and maintenance particularly as to naval airplanes.

So far as I am concerned, Mr. President, I feel that the Congress should go the limit in providing for the production of airplanes. An appropriation for that purpose is more important in my opinion than any other we could make.

Mr. McNARY. Does the Senator make the point that there are not sufficient

funds to carry out the air program unless the pending measure is passed?

Mr. McKELLAR. That is correct.

Mr. McNARY. And if we pass the pending bill how much money will be carried over, unobligated, or unexpended, as of December 1 of this year?

Mr. McKELLAR. As of December 1 of this year, if the bill shall be passed, I do not know how much it would be.

Mr. McNARY. That is probably not a fair test of the Senator's knowledge of the subject, because my question concerns the present year. Will the Senator supply the information for the RECORD?

Mr. McKELLAR. I shall be very glad to do so.

Mr. McNARY. It seems queer to me that we are asked to appropriate several billion dollars which are not necessary at this time in order to carry out the plan which we have adopted for the conduct of the war, aiding the affiliated members of the United Nations, and complying with the provisions of the lend-lease program. We now have before us a bill which, as I read it, shows there is a tremendous amount of money now awaiting expenditure, and we are asked to appropriate an additional amount. That is the complaint I am making.

Mr. McKELLAR. The money already on hand was appropriated for other purposes.

Mr. McNARY. What is the Senator's proposition? Is there any carry-over, or is there not?

Mr. McKELLAR. If this bill shall be enacted we will have \$27,000,000,000 carried over.

Mr. McNARY. Why cannot the \$2,800,000,000 be taken out of the present fund without reappropriating for it?

Mr. McKELLAR. Because, the Department says, the money now on hand has been appropriated for other purposes, and the amount now requested is to be used for airplanes.

Mr. McNARY. I am talking about the unobligated sums of money—virgin money—in the vaults of the United States Treasury.

Mr. McKELLAR. The Senator may be talking about it, but let us see what the facts are.

Mr. McNARY. I am talking about it, but I am not getting an explanation.

Mr. McKELLAR. I am sorry, but I am endeavoring to give the Senator the facts. Let us consider what the greater part of this appropriation is for:

Procurement of airplanes.....	\$2,862,000,000
Nonrigid airships.....	36,330,000
Stockage of aeronautical accessories.....	352,567,000
Maintenance and operation.....	225,203,833
Transport service.....	25,883,700
Miscellaneous, including defense aid.....	320,015,467

However, in addition, we have to make the following payments:

Personnel:	
Training, education, and welfare, Navy.....	\$21,640,000
Pay, subsistence, clothing, transportation, and recruiting:	
Navy.....	734,216,136
Marine Corps.....	277,507,642
Coast Guard.....	192,480,000
Medical Department.....	19,766,000

These appropriations provide for the increase brought about by the building up of our great air force. Of course, that takes money. We have made appropriations for other naval purposes, such as for naval vessels, and personnel of naval vessels of every kind and description.

Mr. AIKEN. Mr. President, will the Senator from Tennessee yield, so that I may ask for some information?

Mr. McKELLAR. If I can give it, I shall be very glad to do so.

Mr. AIKEN. My question relates to an apparent backlog of a considerable amount. I have in my hand a copy of the message of the President of the United States, transmitting the lend-lease report for the period up to the end of August of this year. It shows that the total of lend-lease aid to the end of August had amounted to \$6,489,000,000.

On page 21 of the report we find figures showing the maximum of lend-lease aid which can be provided by existing legislation, amounting to \$18,410,000,000. Just below those figures is a list of transfers authorized from other departments, principally the War and Navy Departments and the Maritime Commission, amounting to \$44,534,650,000, making a total amount available for lend-lease aid of \$62,944,650,000. That leaves available for lend-lease aid, according to the table in the President's message, about \$56,000,000,000. Lend-lease aid is being expended at the rate of approximately \$8,000,000,000 a year, and we hear that we are approaching the maximum in that direction.

If these figures are what they appear to be, there is an appropriation for lend-lease aid for the next 7 years available. What I want to ask the Senator from Tennessee is this: When the War Department, the Navy Department, and the Maritime Commission come before the Appropriations Committee asking for more money, do they simply deduct \$44,500,000,000 from the amount they have on hand available for their own purposes? Do they simply set that aside for lend-lease purposes so long as it is already authorized for those purposes? If they do, then there would be at least \$44,000,000,000 to add to the backlog of appropriations now piled up for the future.

Mr. McKELLAR. I see these items in appendix II of the Sixth Report to Congress on Lend-Lease Operations: Naval Appropriation Act—ships—\$3,900,000,000; Naval Appropriations Act—articles—\$2,500,000,000; Navy Department sixth supplemental appropriation, \$18,000,000. Whether those items from the Navy Department are a part of the \$27,000,000,000, I cannot say.

Mr. AIKEN. I think we ought to know that.

Mr. McKELLAR. That was the question which the Senator from Oregon [Mr. McNARY] asked a while ago, and I will get that information and give it to the Senator.

Mr. AIKEN. I think the Senator from Tennessee will agree with me that if there is this amount of \$44,000,000,000 set aside for possible lend-lease purposes, it should be taken into consideration in making the new appropriation.

Mr. McKELLAR. It should be.
Mr. AIKEN. That is a tremendous sum.

Mr. McKELLAR. It is.
Mr. DANAHER. Mr. President—
The PRESIDING OFFICER (Mr. TUNNELL in the chair). Does the Senator from Tennessee yield to the Senator from Connecticut?

Mr. McKELLAR. I yield.
Mr. DANAHER. I should like to ask the Senator from Tennessee to tell us what the pending appropriation bill, H. R. 7672, now supplements?

Mr. McKELLAR. It supplements the regular naval appropriation bill of 1943.
Mr. DANAHER. And did the regular appropriation bill for 1943 cover the very same items which are in this bill?

Mr. McKELLAR. Oh, no. Some items are in both measures and some are not. For instance, the naval appropriation bill contained quite a large sum, as I recall, for airplanes. The amount provided in this bill is in addition to that amount. To be absolutely certain, may I ask the chairman of the Naval Affairs Committee, the Senator from Massachusetts [Mr. WALSH], whether that is correct?

Mr. WALSH. I assume that the pending bill appropriates money for authorizations made since July 1, and, secondly, appropriates money for authorizations made before July 1, but upon which the department did not ask for an appropriation.

Mr. McKELLAR. That is correct.
Mr. DANAHER. I notice in line 5 on page 1 that this is an appropriation for the fiscal year ending June 30, 1943.

Mr. McKELLAR. That is correct.
Mr. DANAHER. Is it the Senator's understanding that any part of the money appropriated by this supplemental bill will be carried forward into the fiscal year 1943-44?

Mr. McKELLAR. I hope not. That can be done only by reappropriating. If the money is obligated of course it will be carried forward, but I hope that the part which is appropriated for the building of airplanes will be spent by the 1st of July, and that those airplanes will then be in the service of this country.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.
Mr. WALSH. As I understand, if none of the money appropriated in this bill is contracted for between now and next July, it goes back to the Public Treasury, but such amounts as are contracted for are taken out of the appropriation. Perhaps a member of the Appropriations Committee should make the statement, but I should say that if there is made to a department an appropriation with which to build 10 battleships, and during the period of a year the department made contracts for only 4 battleships, until there is a first payment made upon the 4 battleships the money appropriated for all 10 is unexpended. That is why there is such a vast sum of unexpended money. Unexpended money means money appropriated for, for which a check is not yet made out, but there is a contract let which will eat it up sooner or later. As I understand, if a contract is entered

into and a commitment out of this appropriation is made before July 1, the money remains appropriated, from which to meet all the obligations under the contract. If there is no contract let, if the department has changed its mind, if it has not entered into any negotiations, it must then come again after July 1 to the Appropriations Committee to obtain a new appropriation. Am I correct in that statement?

Mr. McKELLAR. That is my belief; yes.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.
Mr. DANAHER. I notice from the hearings that the Senator from Louisiana [Mr. OVERTON] asked many questions looking to the development of the facts along these lines. He sought to find out how much money was unobligated and uncontracted for out of existing appropriations, as I recall.

Mr. McKELLAR. Yes.
Mr. DANAHER. It is my recollection that the hearings showed that there was about \$23,000,000,000 unobligated and uncontracted for, and now available. Is that approximately correct?

Mr. McKELLAR. No, that is not approximately correct, unless a few billion dollars does not make any difference.

Mr. DANAHER. It does, but I am trying to find out what are the facts.

Mr. McKELLAR. I will tell the Senator the facts. Including the nearly \$6,000,000,000 in cash appropriated in the pending bill, and including the authorization of \$9,510,000,000 made in the bill, a total of over \$15,000,000,000, all the unobligated sums in the Navy Department would be \$27,000,000,000, as I recall. That includes the \$15,000,000,000 contained in this bill. Outside the bill, in other words, there is about \$12,000,000,000 unobligated by the Navy Department.

Mr. DANAHER. Mr. President, will the Senator again yield?

Mr. McKELLAR. I yield.
Mr. DANAHER. In the light of the Senator's last answer is it reasonable for us to expect that there will be a second supplemental appropriation bill which will actually appropriate approximately \$9,000,000,000 to take care of the amount which is authorized but not actually appropriated by this bill?

Mr. McKELLAR. I could not tell. The Senator's guess would be as good as mine. Most of the \$9,000,000,000, of course, will be spread over several years. It takes several years to build a great battleship. It takes considerably more than a year to build a large cruiser. The expenditure of such money would be spread over several years.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.
Mr. AUSTIN. I wonder what the Senator's understanding of the practice is with respect to contracts which take several years to carry out. If we should make an appropriation for the Navy, does the Senator understand that it is limited to 2 years?

Mr. McKELLAR. No. This is the situation as it is now: The Congress has already passed measures—I think the

last one was in July or August—authorizing a great number of naval vessels and other naval expenditures. The Navy cannot make contracts under that authorization, either until an appropriation is made or until a contract authorization is allowed. Under the terms of bills which Congress has already passed providing authorizations, we are in this bill authorizing contractual obligations to the amount of \$9,510,000,000, as provided for in the bill.

Mr. AUSTIN. The point I had in mind was that the Constitution prohibits our appropriating for the purpose of raising and supporting armies beyond the period of 2 years, and I was asking if the Senator could tell me whether the practice with respect to the Navy conforms to that restriction which exists in the Constitution.

Mr. McKELLAR. I think it does. That is my recollection.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.
Mr. WALSH. The distinguished Senator from Vermont has reminded me of two lines in the Constitution which I had not had called to my attention recently, and I should like to read them, where a different rule apparently is applied to the Army than to the Navy. The Constitution says:

The Congress shall have power . . . to raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years.

So I understand that the Appropriations Committee, at the end of 2 years after an appropriation is made, insists upon a reappropriation if it has not been put to use, if it has not been contracted for.

Mr. McKELLAR. Yes, that is true with respect to the Army, and I think the Navy follows the same course. That is my recollection.

Mr. WALSH. The Constitution does not make any such limitation with regard to the Navy, but says:

To provide and maintain a navy.

Without the words "but no appropriation of money to that use shall be for a longer term than 2 years."

I assume the reason for that is that there was no Navy at the time the Constitution was framed. The Navy did not come into being until the administration of George Washington. However, the framers of the Constitution had in mind that some day we should have a Navy.

Mr. McKELLAR. I do not think they ever had in mind the enormous vessels which have since been constructed by the Navy, or the length of time required to construct them. I believe the Navy follows the same practice as is followed by the Army.

Mr. WALSH. Navy contracts require longer to complete than Army contracts. When the Navy undertakes to build a battleship the construction of which requires 4 years, its representatives say to the Appropriations Committee, "We have an authorization from the Committee on Naval Affairs to build four battleships." They are asked, "How many can you build this year?" They may reply, "We want to build one this year." They may be

asked, "How much money will you need this year—not how much you will need for the completion of the vessel in 4 years, but how much money do you need and can you use this year to pay to the contractor who is building the vessel?" Only that amount is appropriated.

Mr. McKELLAR. That is my understanding.

Mr. WALSH. At the end of the fiscal year, if checks have not been drawn against all of it, it is still available to the department until it is exhausted. There is no question about that.

Mr. McKELLAR. As I recall, we either make it available until expended, or reappropriate the unexpended balance the next year.

Mr. WALSH. Yes. The next year representatives of the Navy Department may come before the Appropriations Committee and say, "We expect to make a little more progress on that vessel this year, and we expect to spend more than we did the first year." The necessary money is appropriated.

Mr. McKELLAR. That is correct.

Mr. WALSH. The third year we give them the money for that year.

Mr. McKELLAR. That is correct.

Mr. WALSH. If the money has not been obligated, it must be reappropriated. I understand there is no such practice as appropriating for more than can be spent by any department in 1 year, for anything.

Mr. McKELLAR. That is the practice.

Mr. WALSH. At the end of the fiscal year the department must come to Congress to get the additional sum of money which may be necessary to carry on the project, whatever it may be.

Mr. McKELLAR. All Senators have doubtless seen, in practically every appropriation bill, the reappropriation of unexpended balances.

Mr. WALSH. By unexpended balances the Senator means, to use the language of the ordinary businessman, money which is contracted for, but against which checks have not yet been drawn under the contract.

Mr. McKELLAR. That is correct.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. AIKEN. Referring again to the President's report on the lend-lease aid, I find that the transfers authorized from other appropriations amount to \$44,534,650,000. Of that amount, about \$32,000,000,000 was authorized to be transferred from the War Department.

Mr. McKELLAR. That is true.

Mr. AIKEN. The Senator from Massachusetts has just read from the Constitution that an appropriation to the Army may not be made more than 2 years ahead.

Mr. McKELLAR. That is true.

Mr. AIKEN. That being the case, would the constitutional limitation apply to the part of the War Department appropriation which is authorized to be transferred to lend-lease aid?

Mr. McKELLAR. I think it would; but I should have to look at the wording of the Constitution for a moment. The Senator's opinion on the construction of the Constitution is as good as

mine. The language of the Constitution is:

To raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years.

So I think it would depend upon what use the money was originally intended for. If it were for the use of the Army directly or indirectly, it would have to be reappropriated. Otherwise it would go back into the Treasury at the end of 2 years.

Mr. AIKEN. Of course, the appropriation directly for lend-lease aid will last long beyond the time limit set upon the act itself.

Mr. McKELLAR. There is no limitation on appropriations for that purpose.

Mr. AIKEN. Unless the \$44,534,650,000 which is authorized to be transferred from the other departments can be spent within the constitutional limit of time. It really would not be available for that purpose, but would revert to the General Treasury. Is that where it would go?

Mr. McKELLAR. It would seem so. It would go back to the Treasury.

Mr. AIKEN. The point which disturbs me is this: With \$44,534,650,000 on hand for this purpose, which cannot possibly be spent within the limit of time, why should the Navy Department, which has \$6,500,000,000 authorized to be transferred to Lend-Lease, the War Department, and the other departments continually come to Congress asking for more billions?

Mr. McKELLAR. Because the money is used for lend-lease purposes.

Mr. AIKEN. Has the Senator any record of any of it being returned to the General Treasury?

Mr. McKELLAR. I have not; but I will make inquiry and find out.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. DANAHER. I should like to ask the Senator about particular items, having in mind whether or not in the course of the hearings representatives of the Navy Department demonstrated a need for the particular items.

Mr. McKELLAR. I thought so. If I had not thought so I would not have voted for the appropriations. I believe that it is tremendously important to build naval airplanes for the purpose of licking the enemy.

Mr. DANAHER. I ask the Senator not to get off on airplanes. I agree with the Senator from Tennessee about airplanes. Let us take an item such as that on page 4, beginning in line 15, under the heading "Bureau of Yards and Docks." There is a specific item. Does the Senator notice under that heading the item—

Maintenance, Bureau of Yards and Docks, 1943, including the purchase of 2,000 additional motor-propelled passenger-carrying vehicles at not to exceed \$1,250 each, \$35,069,775.

Does the Senator see that item?

Mr. McKELLAR. Yes; I see it. While I am not very much in favor of passenger-carrying vehicles, under the present circumstances I presume they are absolutely necessary at the yards and

docks, with the amount of business on hand in the Bureau of Yards and Docks.

Mr. DANAHER. The Senator is giving me a general statement. I wish to ask him a question or two about that item.

Mr. McKELLAR. Let me answer the first question.

Mr. DANAHER. The first question was, Does the Senator see the item? The Senator says he sees it.

Mr. McKELLAR. Yes.

Mr. DANAHER. I wish to ask the Senator another question, if he is ready.

Mr. McKELLAR. Go ahead.

Mr. DANAHER. The next question is, Did somebody from the Navy Department appear and testify that the need was for 2,000 such vehicles, to cost not to exceed \$1,250 each?

Mr. McKELLAR. Let me read from the statement of Rear Admiral Louis B. Combs before the House committee:

The CHAIRMAN. You include here funds for the procurement of 2,000 passenger-carrying automobiles.

Admiral COMBS. Yes, sir.

The CHAIRMAN. And you place the limit of cost at \$1,250. Now, the present limit of cost, which has been in force for some time, is \$925. In the first place, why do you need so many cars, and in the second place, why the increase over \$925 per car?

Admiral COMBS. I have tried to explain in this sheet our need for this additional transportation. First, of course, there is a tremendous expansion in the Naval Establishment.

We all know that that is true.

Naturally, the demands are getting very heavy for passenger transportation. Second, with the situation as it is on gasoline and rubber, a great deal of transportation that has formerly been performed for service personnel, and reimbursed with their own cars, is all out of the window. They just are not able to do it any more, so that the demands for official transportation are increasing for that reason.

We all realize that that is true.

Now, as you know, we have in the past been authorized by the committee to supply these additional transportation requirements by the use of station wagons, which can be converted either for passenger or truck transportation. The station-wagon market now is practically depleted, and the final recourse seems to be, to meet our ever-increasing requirements, to authorize the purchase of additional passenger-carrying vehicles, of which there are a large number in the country, the majority of which, of course, have been frozen.

The CHAIRMAN. But they are available to you?

Admiral COMBS. They are available to the Government; yes.

The CHAIRMAN. What about this increase in the limit of cost over the \$925 per car?

Then he goes into a discussion of that question.

As the Senator knows, last year we had a limitation or ceiling on the price of cars which could be bought by the various departments, except in exceptional cases. The ceiling was \$925. Prices have gone up, of course, due to automobile factories being used for various war purposes.

Mr. DANAHER. Does the difference of \$325 between the cost per car this year and the cost last year include reimbursement to garage owners, automobile sales-

men, and others whose cars have been frozen by Government order?

Mr. McKELLAR. Yes.

Mr. DANAHER. Does it return to them some monthly payments to take care of the rent and the interest and carrying charges which they have undergone since the Government order was issued?

Mr. McKELLAR. I shall give the Senator the information about it.

Mr. DANAHER. I shall be satisfied to have the Senator answer the question.

Mr. McKELLAR. I shall answer it in the words of the witness.

Mr. DANAHER. Very well.

Mr. McKELLAR. I read further from the hearings:

Mr. MORRISON. That is correct, Mr. Chairman. You see, by an act of Congress last winter the dealers were permitted to add 1 percent a month for carrying charges. A tabulation was made for me by the Bureau of Supplies and Accounts, and, as an illustration, I will read some of the prices. These would be the prices that would apply as of June 1943. If we bought them today, they would be somewhat less; they would be, say, 6 percent or 8 percent less than these prices.

On a four-door Dodge sedan the ceiling price in June 1943 would be \$1,178; a Ford sedan would be \$1,003; a Ford Deluxe eight would be \$1,044; a Mercury would be \$1,256; a Plymouth would be \$1,050; a Plymouth Deluxe would be \$1,103; a Chevrolet, \$1,009.

The CHAIRMAN. And you want to pay the top price?

Admiral COMBS. No, sir; we are just talking about this authority for passenger-carrying vehicles; and we set that price, of course, at the top of the class that we might have to take. Of course it is not possible any more to say that we will get 2,000 Fords or Chevrolets, because we are not able to get them. We may be forced to get other classes of cars which are in the frozen market.

Mr. LUDLOW. When do you expect to get these cars?

Mr. MORRISON. We will probably buy 50 percent of them between now and January, and the remainder in the spring.

Mr. LUDLOW. Have you tried to do it by the statutory method?

Mr. MORRISON. Yes, sir; we did; and we finally had to take some cars that were on order by the War Department from the Ford Motor Co.

Mr. LUDLOW. Would it be possible to make use of used cars?

Mr. MORRISON. I anticipate the day is coming when we will have to do that.

Mr. LUDLOW. Have you explored that field?

Mr. MORRISON. The surprising thing to me is that there are so few instances that come to my attention of individuals that want to dispose of their cars.

Mr. LUDLOW. I am speaking now of services, such as the Narcotics Service, the Customs Service, and various other services.

Admiral COMBS. Their cars to be transferred to us, do you mean?

Mr. LUDLOW. Yes.

Admiral COMBS. We have had no success at all in getting those cars.

That is about the substance of what was said regarding the prices and number of the automobiles. They say they are necessary. They say they will need half the cars by the 1st of January and will need the others in the spring, and for that reason this appropriation was proposed by the committee, and I think the need for it is sustained by the proof.

Mr. WALSH. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Does the Senator from Tennessee yield to the Senator from Massachusetts?

Mr. McKELLAR. I shall yield if the Senator from Connecticut will permit me to do so.

Mr. DANAHER. Yes; but I should like to ask the Senator another question or two.

Mr. McKELLAR. I shall be delighted to have the Senator do so. I do not know the answers to many of the questions, but I shall be happy to answer those whose answers I happen to know.

Mr. WALSH. Mr. President, I do not care to make inquiry regarding the number of automobiles or the prices of them. I think the inquiries of the Senator from Connecticut have been pertinent and sufficient in that field.

The matter calls to my mind the authorization recently passed by the Congress giving the Navy Department and War Department authority to transport passengers—workmen who become passengers—from the plants where they are employed to their homes.

As an illustration in point let me state that at Portsmouth, N. H., workers formerly came in their own cars 40 or 50 miles from Haverhill, Mass., and Newburyport. The same situation existed at Norfolk. Because of the rationing of gasoline those men will not be able to use their own automobiles to make the trip. It is the purpose of the Army and the Navy, when approval is given them by the Interstate Commerce Commission, or by the officer in charge of transportation, to carry the workers from their homes to the naval and Army stations where they are employed. That is the background of the situation.

As I said before, I do not know about the need for the automobiles or the number or the prices of the automobiles needed; but the bill was passed in anticipation of the rationing of gasoline compelling the departments to furnish facilities in order to bring their workers to the munitions plants of the country.

Mr. McKELLAR. Mr. President, let me add there, since the Senator from Massachusetts has taken his seat, this statement: We all know that in connection with the transportation of employees of the Navy Department, the War Department, and every other department from their homes to their places of employment and back to their homes the employees frequently used their own automobiles, purchased the necessary gasoline, and were allowed a mileage allowance for that purpose. That is impossible today with the allowance under the gasoline rationing program of only 4 gallons of gasoline a week to the automobile user. Under present conditions it is no longer possible for workers to transport themselves as they once did.

Mr. WALSH. Incidentally, they will have to pay for their transportation; the transportation provided them will not be free.

Mr. McKELLAR. Yes; they will have to pay for their transportation. That is another point.

However, in addition to that, the departments must have the employees come to work. They cannot come to work in their own automobiles because they cannot buy the necessary gasoline. I know that personally, because I am not able to get enough gasoline. I can get only 4 gallons a week, and that is not enough to take me to my place of residence and back to the Senate. So I know from personal experience that it is impossible to obtain sufficient gasoline for such purposes.

The Navy Department wants these cars in order to get the employees to work, and for the necessary work of the Department. The House committee was of the opinion, first, that the appropriation should be allowed; and the Senate committee takes the same position, and has recommended the appropriation.

Mr. DANAHER. Mr. President, will the Senator yield further?

Mr. McKELLAR. I yield.

Mr. DANAHER. Suppose that, having persuaded the Appropriations Committee that the Navy needed 2,000 such vehicles, at a cost not to exceed \$1,250 each, the Navy Department placed its contract for the vehicles, and suppose that thereafter it said to the contractor, "You have charged an excessive price for these particular vehicles. We wish to renegotiate the contract. We wish to write the contract at the former price of \$925 per unit."

That was the price last year.

Will the Senator say that the difference of \$325 per unit times 2,000 automobiles is a sum of money which would lapse under this appropriation, or would it go back somewhere into the fund for the Navy Department to use?

Mr. McKELLAR. As I understand the Senator's question, it is this: If the appropriation is allowed, and if all the money is not expended, will the amount not expended lapse? Is that the Senator's question?

Mr. DANAHER. Yes. In the case I mentioned the money would not be expended, but would be withheld because it would be an excessive profit, let us say.

Mr. McKELLAR. For whatever purposes, it would lapse and would have to be reappropriated next July.

However, that is not what I want to say to the Senator about the matter. The Senator will recall that contracts for less than \$100,000 are not renegotiable under the terms of the act. As to some contracts, I think the minimum limitation is \$250,000, but in any case it is not under \$100,000. Therefore, it is doubtful whether the Department could purchase \$100,000 worth of automobiles from any particular person, and I doubt very much whether such a case as that which the Senator has described would occur.

Mr. DANAHER. The renegotiation can arise, does arise, and will arise.

Mr. McKELLAR. It will if the contract is over \$100,000.

Mr. DANAHER. Yes. I am trying to find out whether any part of an appropriation appropriated but withheld and not expended could be put back into the appropriation again, subject to use by the Navy Department.

Mr. McKELLAR. No. It would have to come up next year; and if the Congress then thought it to be a proper appropriation it would allow it; and if it thought it not to be a proper appropriation, it would not allow it.

For instance, as to the appropriation provided in the pending bill, if a majority of the Senate were to feel that under the circumstances which have been narrated and under the proof which has been given, the Navy Department should not have the 2,000 automobiles, and the appropriation should not be made, it would not be made. That is all there is to it.

Mr. DANAHER. I simply want to know if the Navy Department were to withhold the equivalent of what would have bought 500 more automobiles, could the Navy Department buy 500 more automobiles?

Mr. McKELLAR. The Department would have to come back to the Congress and obtain authority if it desired to buy any more automobiles than those provided for in the pending bill.

Mr. DANAHER. Does the Senator understand that to be so as a matter of general law or as the result of the renegotiation law?

Mr. McKELLAR. It does not make any difference whether it is so under the renegotiation law or any other law. If the money is not expended it will go back to the Treasury.

Mr. DANAHER. Will the Senator direct his attention to page 12 of the bill?

Mr. McKELLAR. Very well.

Mr. DANAHER. I ask the Senator to tell me whether it is the customary and usual thing for the departments to pay the traveling expenses from point to point in foreign countries of the dependents of American representatives of the departments in foreign countries.

Mr. McKELLAR. The State Department and Commerce Department have had provisions in quite a number of cases for that to be done. The Senator will notice the amendment which was offered on that page by the Senate committee:

When specifically authorized or approved by the Executive Director of the Board or such other official as he may designate for the purpose, of traveling expenses of employees of the Board, including the transportation of their effects, to their first post of duty in a foreign country or when transferred from one official station in the United States or elsewhere to another in a foreign country, and return to the United States; not to exceed \$50,000 for transporting the dependents, including their effects, of such employees; reimbursement to employees of the Board for loss of effects in case of marine or aircraft disaster.

And so forth.

I shall state the purpose of the amendment. The present time is a very unusual one for any of our representatives in foreign countries. They are subject to a great many difficulties. In many cases it is very doubtful if they could get the money to use in transporting themselves or their effects. The committee has placed a limitation of \$50,000 on the matter, out of an abundance of precaution that no advantage should be taken of their Government by such Government employees in the expenditure of the fund.

Mr. DANAHER. Oh, I have no doubt, let me say to the Senator, that it is wise precaution to take at such a time as this. I merely wondered if it is customary and usual; that is my question.

Mr. McKELLAR. It is customary and usual, but that is in ordinary times. By the way, I desire to say for the State Department—I feel that I should do so; I think I should do so in a spirit of commendation—that the requests for appropriations made by the State Department are probably the most modest of any such requests made by any department.

Mr. DANAHER. Of course, this item relates to the Board of Economic Warfare.

Mr. McKELLAR. I ask the Senator to wait a moment, please.

I repeat that the smallest requests for appropriations come from the State Department. That is not only so now, but it has been so during the 25 years I have been a Member of this body. I commend that Department.

Mr. DANAHER. The reference is to the Board of Economic Warfare.

Mr. McKELLAR. I understand that, but that Board works hand in glove with the State Department.

Mr. DANAHER. Will the Senator look at page 15, lines 7 and 8, and tell us why he thinks the Office of War Information would wish to do printing and binding outside the continental limits of the United States? What is that about?

Mr. McKELLAR. On page 15, beginning in line 6, the item reads, "printing and binding, including printing and binding"—at that point the words "in the field" have been stricken out by the committee and the words "outside the continental limits of the United States" substituted.

I have not the testimony at hand, but the reason for that is that some work of that kind is being done in London in connection with the operations of the War Information Office in England, and I think some other country is also included. It is entirely a proper thing, I will say to the Senator.

Mr. DANAHER. I do not doubt it; I merely wanted to know what was contemplated.

Mr. McKELLAR. It is fully substantiated by the testimony which was taken before the committee.

Mr. DANAHER. If the Senator will turn to line 22 on the same page he will note that the bill provides:

Such gratuitous expenses of travel and subsistence as the Director deems advisable in the fields of education, travel, radio, press, and cinema.

In the first place, what is the "gratuitous expense" to which the bill refers?

Mr. McKELLAR. I read from the testimony.

Certain special cases of gratuitous assistance do not appear to be covered by number 14 above, one of these being the financing of trips of distinguished journalists from neutral countries to the United States. The Office of War Information has undertaken to bear the expense of these journalists in the knowledge that what they observe in this country and then interpret in the newspapers of their countries will benefit the war effort of the United States.

Mr. DANAHER. Does it include the payment of the gratuitous expenses, if I may borrow a term, of American journalists going around the world or to any other country?

Mr. McKELLAR. It does not include that item.

Mr. DANAHER. Does any item in Office of War Information appropriation cover such a thing as the expenses of American journalists going on trips?

Mr. McKELLAR. There is no provision for such a thing.

Mr. DANAHER. When the Senator speaks of the gratuitous expenses of newspaper men from neutral countries, I assume he is excluding any country that is one of the group of United Nations?

Mr. McKELLAR. Not exactly.

Mr. DANAHER. The Senator referred to neutral countries.

Mr. McKELLAR. Several countries are put in the United Nations group that have never been anything more than neutral, and we would like very much to have them discard their neutrality and come over to our side.

Mr. DANAHER. It would be a singular thing, let me say to the Senator, if we should pay the expenses of representatives, let us say, of Argentina and Chile and not pay the expenses of representatives of Brazil and Venezuela. I merely wondered how far the Senator carries the distinction.

Mr. McKELLAR. I think Brazil and Venezuela, that have already come over to our side, would be perfectly delighted if we could, by this means or any other honorable means, get Chile and Argentina to come over to our side.

Mr. DANAHER. In the matter of the War Manpower Commission item, on page 17, is the Senate to understand that that supplements the Federal Security Agency appropriation?

Mr. McKELLAR. Will the Senator please repeat his question?

Mr. DANAHER. I ask if the Senate is to understand that this particular item supplements the Federal Security Agency appropriation.

Mr. McKELLAR. Not exactly supplements; but this has happened: As the Senator knows, the Security Agency has been made a part of the Manpower Commission; it is one organization.

Mr. DANAHER. What is meant by the reference in line 6 to the fiscal year 1943? Does that mean 1942-43?

Mr. McKELLAR. To what page does the Senator refer?

Mr. DANAHER. Page 17, line 6. The sentence reads:

For an additional amount for the Office of Emergency Management, War Manpower Commission, fiscal year 1943.

And so forth. What is meant by "fiscal year 1943"?

Mr. McKELLAR. That means up until July 1, 1943.

Mr. DANAHER. It does not mean from July 1, 1943, to June 30, 1944?

Mr. McKELLAR. No, the fiscal year is from July 1, 1942, until July 1, 1943.

Mr. DANAHER. What is the exact purpose of this particular appropriation of \$11,000,000?

Mr. McKELLAR. If there is to be a contest about that particular provision,

I have arranged to make a brief speech on the subject, and I wonder if the Senator would not be willing to wait until we get to it. I think it is the only really contested item in the whole bill.

Mr. DANAHER. It might be, if the Senator should make his speech now, that he would dissolve the controversy.

Mr. BARKLEY. Mr. President, if the Senator from Tennessee will permit me, I think what the Senator from Connecticut is inquiring about is the appropriation itself in the middle of the page, not the amendment at the bottom of the page relating to the confirmation of appointees.

Mr. DANAHER. That is true. I desire to know what is sought to be reached by this appropriation.

Mr. McKELLAR. I will answer the Senator's question now, and we will go into it more fully a little later.

Mr. DANAHER. The Senator may refrain from discussing the amendment in lines 20 to 24, inclusive, if he chooses.

Mr. McKELLAR. I do not refrain from discussing anything I know anything about. I refer the Senator to the House hearings. These items are to be expended as follows:

First, for the completion of national occupational inventories.

Under the present law that reorganization has been directed to make an inventory of manpower.

Mr. AUSTIN. Mr. President, will the Senator yield at that point?

Mr. McKELLAR. I yield.

Mr. AUSTIN. May I ask a further question about that particular item?

Mr. McKELLAR. I shall be happy to answer the question if I can.

Mr. AUSTIN. Does the Senator know that that inventory has already been commenced by another bureau, namely, the Selective Service System, which issued Form 311 some time ago, and nearly all of us who are registrants have replied to it? This work, if commenced now, would be a duplication of the same effort.

Mr. McKELLAR. Oh, no; I do not know that at all. The truth is that that facility of which the Senator has just spoken is a part of the Manpower Commission and is asking for this money to finish the work.

Mr. AUSTIN. I think it is an error to assume that the Manpower Commission has already gobbled up the Selective Service System.

Mr. McKELLAR. It is a part of it.

Mr. AUSTIN. Oh, no. I do not think it will be able to gobble it up if a sufficient number of Senators of the United States block the effort. There is such a difference between the Manpower Commission and the Selective Service System in respect to democracy that I do not believe such a thing should be accomplished without full debate and a perfect understanding.

Mr. HAYDEN. Mr. President—

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield first to the Senator from Arizona.

Mr. HAYDEN. The Senator from Vermont will understand that the purpose of this appropriation is to bring to a head and analyze the data acquired by

the Selective Service System. The census was taken, but the data have not been classified. That is all this appropriation is for. It is nothing new.

Mr. AUSTIN. How much money would that require?

Mr. McKELLAR. Six million one hundred and thirty-one thousand and forty-nine dollars.

Mr. HAYDEN. The appropriation is to finish the work which has already been instituted but has not been completed?

Mr. McKELLAR. No duplication of effort is involved.

Mr. AUSTIN. Was the committee satisfied from the evidence on this subject as to the amount required to classify the inventories of manpower and put them into categories?

Mr. McKELLAR. Those who are in charge of it stated it would take that much money; they testified to that effect; and the committee was satisfied that it would take the amount of money they estimated it would take.

Mr. AUSTIN. I should like to ask a further question before we leave that point, namely, did the committee ascertain from the Selective Service System whether it was able and competent with its present force to classify this information into categories and do this work without any additional appropriation?

Mr. McKELLAR. It could not have been done for the use of the Manpower Commission, for the reason that the Manpower Commission has the duty to perform, they say, of classifying information for the purpose of ascertaining what is now on hand in the country in the way of manpower.

Mr. AUSTIN. Will the Senator yield for a moment, further?

Mr. McKELLAR. I yield.

Mr. AUSTIN. I am in favor of a master plan to be made by the President's War Board, which includes both the Manpower Commission and the Selective Service System. I am glad to have this information brought together and classified in categories. But in my work in the Committee on Military Affairs with the Selective Service, I have understood that the Selective Service System has already done the preliminary work, and obtained the data.

Mr. McKELLAR. That is true, but it has not analyzed the information, and has not presented it in a way in which it can be used. General Hershey, who is the head of the Selective Service System, is also a member of the Manpower Commission, and he understands exactly what is being done. The truth is what I stated a while ago, the Selective Service System and the Manpower Commission are as one in this matter, and are conducting it so as to make it most useful to the Government. That is what they claim.

Mr. AUSTIN. But I think that as legislators we are greatly interested in the question.

Mr. McKELLAR. I know we are, and I am glad the Senator is. I am interested in any question the Senator discusses, and have been of that mind for a long time.

Mr. AUSTIN. Before this matter is finally passed upon I think we should

have an opportunity to discuss it more fully.

Mr. McKELLAR. I have no objection whatsoever.

Mr. AUSTIN. I expect that the Director of the Manpower Commission will appear before the Committee on Military Affairs Wednesday morning to testify about the work his commission is doing, and we should like to ask him about this particular activity.

Mr. HAYDEN. Mr. President, let me read the testimony of General Hershey on this matter, when he came before the House committee. He said:

Mr. Chairman, I come here in two capacities. First, I am a commissioner of the Manpower Commission; and also the Director of the Selective Service System. As a Commissioner, I am interested in knowing what we have got in this country. We may have something over 60,000,000 or 65,000,000 working units. We have already in our possession material on some thirty-nine to forty-three million of those people.

Our agency has acted to reduce that to writing on a Form No. 311, so that we have that very information. The thing that we are up here for this morning is to try to make that information available, not only nationally but available down in the localities; so that when you are looking for a carpenter or a plumber or a die-setter or something else, you know that man in terms of his name and his street address.

He was urging this appropriation. The head of the employment service made a similar statement. I read now from the testimony of Mr. Corson at page 493 of the House hearings:

This questionnaire is filled out by each Selective Service registrant, and is then sent to the United States Employment Service by the Selective Service local boards. A copy of the questionnaire is filed in the local office by occupations so that we have a listing in the local employment office of every man between the ages of 18 and 65, according to occupations.

When we are confronted with an order from the shipyards, or some other branch of industry wanting men of a particular skill, we have some source to which we can go. Thus these questionnaires furnish a catalog, you might say, of all the skilled workers in the community. It is practically the only record of these people.

The point is that the information was obtained by the Selective Service System. It was analyzed and made applicable by the United States Employment Service, and it takes the sum of money recommended in the pending bill to make that analysis.

Mr. McKELLAR. Without the analysis the information already collected would be of little value.

Mr. AUSTIN. Mr. President, I am in favor of securing the information and arranging it in categories. I am also in favor of obtaining information showing the demand for the various categories of workers.

Mr. McKELLAR. Mr. President, I want to say to the Senator from Vermont that I do not agree entirely with all the requests submitted by the head of the Manpower Commission. We cut down those requests very considerably, as we showed a while ago, and will further show within a few minutes. As a matter of fact, the House cut them down even more than we did.

I think we ought to be very careful about this matter, but so far as the information that has already been obtained is concerned, we have already spent money for getting it and having done that, we ought to spend the money necessary to make it available to the American people and to the American Government.

Mr. NORRIS and Mr. GURNEY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Tennessee yield, and if so, to whom.

Mr. McKELLAR. I yield to the Senator from Nebraska.

Mr. NORRIS. I feel as does the Senator having the bill in charge. From what I can gather by listening to the discussion, it seems to me, that the information is very valuable and necessary, and at the present time it is not in condition to be used.

Mr. McKELLAR. That is true.

Mr. NORRIS. What surprises me is that it should require such a vast amount of money to arrange the information as is indicated in the proposed appropriation. I should like to understand, if I can, why so much money is necessary to do this necessary work.

Mr. McKELLAR. It seems to me it is a very large amount of money, but I will refer to the testimony on the subject, and answer the Senator a little later, after I have found it. In the meantime, I promised to yield to the Senator from Connecticut, and then I will yield to the Senator from South Dakota.

Mr. DANAHER. Mr. President, with the forbearance of the Senator from Tennessee, whom I wish to question concerning an item a little further along in the bill, I should be very happy to have the Senator from South Dakota propound his question now, since it bears on this very subject.

Mr. McKELLAR. I yield to the Senator from South Dakota.

Mr. GURNEY. Mr. President, the question I should like to ask is this: Has the Manpower Commission directed a request to the Selective Service System for the information desired?

Mr. McKELLAR. Yes. Testimony was given by representatives of the Commission concerning each one of these items. This is not the only one.

Mr. DANAHER. Let me ask a further question. Did the national headquarters of the Selective Service System reply that they could not supply the information?

Mr. McKELLAR. That was my understanding from General Hershey's testimony before the House committee.

Mr. HAYDEN. Mr. President, if the Senator from Tennessee will yield, let me say that General Hershey and the Selective Service System performed their full duty when they submitted the questionnaires originally to some 17,000,000 people and again to some 20,000,000 people the second time. They submitted the questionnaires, and turned the replies over to the Bureau of Employment Security for analysis. The money for which the appropriation is requested is

to be used for the analysis of the questionnaires. There is an enormous number of them.

Mr. GURNEY. Will the Senator further yield?

Mr. McKELLAR. I yield.

Mr. GURNEY. I am very jealous of the fine work the selective service boards throughout the country are doing, and I regret the possibility of this money being appropriated with the result that another organization may inject itself into the offices of the local selective boards. I have apprehensions as to what will happen when two boards have a full right to have access to the records.

Mr. HAYDEN. It is not done in that way.

Mr. GURNEY. If the Selective Service System informs a local board that it will be called upon to furnish men of a certain category, the board is unable to ascertain whether the men are available because their records are in the offices of the Bureau of Employment Security.

Mr. HAYDEN. Oh, no; their records were made in duplicate.

Mr. GURNEY. There will be employees of two offices going over the same records, in the same local board office, in all the counties throughout the country.

Mr. HAYDEN. If that were the case, certainly General Hershey would not have recommended this appropriation.

Mr. McKELLAR. General Hershey came before the full committee. He is a member of the War Manpower Commission.

Mr. GURNEY. I am sure that if a certain amount of information is needed, and it is desired to collate it and ascertain how many carpenters, for instance, who may be registered, are necessary, the way to get the information would be to ask the local board for it and let it be furnished by those who have lived every day with the registry cards. I do not like to see another board having authority to go over those records.

Mr. HAYDEN. The act originally contemplated that what is proposed to be done should be done, and that the information should be obtained in duplicate from each man to whom the questionnaire was submitted. The local board keeps the original copy. The duplicate copy is sent to the United States Employment Security Bureau for analysis, so that they can know who is in the community as disclosed by the census which has been taken. If a request is then made for a bricklayer or for a man to work in a shipyard, the Bureau of Employment Security will be in possession of the information based on the census. The Senator proposes to turn the work of the Bureau of Employment Security over to the Selective Service Board.

Mr. GURNEY. And by the same token we do not want to turn over to the Bureau of Employment Security the work and responsibility of the Selective Service Board.

Mr. HAYDEN. No one is doing that.

Mr. GURNEY. I am apprehensive about what may be done.

Mr. AUSTIN. I do not think we are working at cross purposes. I think when

the matter is fully understood we will all agree.

Mr. McKELLAR. I believe so.

Mr. AUSTIN. There is no Senator who does not want the most efficient organization of man supply and manpower, because that is already known to be necessary for the prosecution of the war. Our war effort will not merely be impaired, but will break down, unless we can perfect that quality of organization, so we are all in favor of it.

The point which the Senator from South Dakota and I are stressing, and which the Senator from Nebraska has already mentioned, is, that so far as the appropriation goes the amount asked for is frightening; it is alarming, because it suggests two or three things: First, time. We cannot wait to spend \$11,000,000 on this mere function of slotting into categories the information which has already been collected. That ought to be done in 30 days and it cannot possibly require the amount of money called for in the pending measure.

What is the money for, then? It is the question of what is lurking behind the amount of the proposed appropriation that caused me to make the inquiries which I propounded.

I am firmly persuaded that it would be the greatest possible mistake for Congress to reverse its policy with respect to the delicate business of selecting our citizens for service either in fields of combat or in fields of production. That kind of service in America should be performed only by a democratic organization, by our own neighbors who work without pay and who have the same patriotic objective which they call upon others to serve, and it should not be transferred to a bureau of paid men.

Mr. McKELLAR. Mr. President, may I ask the Senator a question before he sits down?

Mr. AUSTIN. Yes.

Mr. McKELLAR. The Senator speaks of selecting men to be put in the service of production. Is it the Senator's view that under our Constitution we can select men and put them in the service of other men or other corporations?

Mr. AUSTIN. Oh, certainly.

Mr. McKELLAR. Suppose the Senator were the president of a bank in Vermont. Does he believe we could set up a board which could take the Senator out of his place as the president of a bank in Vermont and send him to labor in the fields of another private citizen?

Mr. AUSTIN. Yes; if it were a part of the war effort.

Mr. McKELLAR. The Senator is an outstanding lawyer in any field, but he is especially an able constitutional lawyer. The Senator recalls that about 75 years ago we placed an amendment in our Constitution which inhibits involuntary servitude. If we should pass a law which gave to the War Manpower Commission the right to take the Senator from his position as president of a bank in Burlington, Vt., and put him on a farm plowing in the field of Mr. John Smith in southern Vermont, or in the field of a farmer in Texas, I am rather inclined to think that would be a violation of the

constitutional provision to which I referred. I should like to hear the Senator's statement about that.

Mr. AUSTIN. I will answer it. This is total war.

Mr. McKELLAR. The Constitution does not recognize—

Mr. AUSTIN. The Constitution does recognize war and does recognize war powers; and anything that is necessary for the efficient prosecution of this war, including the regimenting of our citizens at home, on the home front, in order to keep bread and supplies flowing to our soldiers on the battle front, is within the Constitution. We have a brilliant example of the exercise of the war power in interfering with labor in the act of Abraham Lincoln in emancipating the slaves, purely and only as a war measure. There is not a constitutional lawyer in America who questions the validity of the emancipation of the slaves by Lincoln, even without a statute, because it was a necessary war measure.

So it will be with any act of ours. We must be brave enough to go about it and meet this danger before it comes down on our heads. We will in advance have to provide for the services of every one of us, so as to supply that which does not exist now and cannot exist in the future, unless we systematize the demand for and supply of labor, and control it. That is my opinion.

Mr. McKELLAR. Mr. President, the Senator goes a long way, and confidentially between him and me, I recall that a good many of us—I am not sure that the Senator from Vermont joined with us—have been complaining very bitterly of Mr. Hitler because he took laborers out of France, and out of other countries, and put them to work in Germany, many of them being obliged to do work for which they were not fitted. We have been complaining very bitterly of such practices on the part of Mr. Hitler.

Mr. AUSTIN. That is what I complain of here and now.

Mr. McKELLAR. But the Senator from Vermont—

Mr. AUSTIN. Let us keep this a democratic process, with our own neighbors handling this business.

Mr. McKELLAR. Involuntary servitude is not a democratic process in any way. Whether such a process takes place in Germany or in the United States, it is, in my judgment, wholly undemocratic, and wholly unconstitutional.

Mr. AUSTIN. The soldier on the field of battle, in uniform, risking his life, is not questioning the authority of his Government on the basis of constitutionalism, and neither is the citizen at home when he faces the possibility of having Hitler run over him. Mr. President, we are not trying to do this as a dictator does it. We are begging that we may adhere to the democratic process, and that we do not take this delicate operational part of the war effort away from that agency which is right close to the people. Six thousand five hundred local boards scattered all over this great land have already registered 27,000,000 of our people, and when they deferred all of

them excepting 4,200,000, they in effect selected them to serve on the home fields instead of on the battlefield. That is what we are going to do by law expressly, if there are enough of us to carry out such a program.

Mr. McKELLAR. Mr. President, that may be a good way to sugar-coat the process, but call it by whatever name one pleases, when we get down to the real question underlying the matter it is a question of involuntary servitude, which is prohibited by the Constitution of the United States.

Mr. AUSTIN. No; this is war.

Mr. McKELLAR. Mr. President, I want to say to the Senator and to the Senate that the longer I live the more respect I have for the 38 men who gathered together a long time ago, in 1787, and framed the Constitution of the United States. I am for that Constitution, and every line in it. That Constitution is and should be just as strong today as it has ever been in its history. It should be stronger. It has made us a great Nation. The Constitution has lifted this country from nothing and made it one of the greatest Nations in all the world, until today the finest thing that can be said about America is the superiority of the American way of life, the democratic way of life under the Constitution. My judgment is that we had better stand by the Constitution. We have stood by it for more than 150 years, and have waxed stronger, better, and greater every year in that more than a century and a half.

Mr. President, so far as I am concerned I am stronger for the Constitution now than I ever was, and I believe that it should be our rule of conduct in war as well as in peace. I believe America could make no greater mistake than to violate its terms, whether such action is sugar-coated, or whether it is taken without sugar-coating. What we do is what really counts. We can win the war under the Constitution as it is. We have won every other war we have fought under the Constitution. Why does anyone want to change the procedure now? Where are we going? I want to stay within the folds of the Constitution. I want the Government to stay within the folds of the Constitution. I do not want to accept anything else. I do not want to ape Mr. Hitler. I do not want to ape the head of any other Government. I want to go along the line of the American Constitution and the institutions created under it. I may be wrong. I may be old-fashioned.

Mr. VANDENBERG. Are we changing the Constitution in this bill?

Mr. McKELLAR. No; but there is a request made to change it in this very bill.

Mr. AUSTIN. No, Mr. President.

Mr. McKELLAR. Wait a moment.

Mr. AUSTIN. There is a request—

Mr. McKELLAR. There is a request for money to form some kind of—we do not know what—something to be used for the purposes of furnishing manpower. We have plenty of manpower, and we are going to use it, but in my judgment we

ought to use it under democratic processes.

I asked the Chairman of the War Manpower Commission how we are going to do it. Are we going to do it on a voluntary basis or on an involuntary basis? He said that was a secret as yet. Mr. President, it is not any secret with me. I want to do it on a voluntary basis, as we have always done, and when we have proceeded in that way we have always succeeded.

Mr. AUSTIN. And which we are failing to do now.

Mr. McKELLAR. I am not willing to provide for involuntary servitude directly or indirectly, in any possible form.

Mr. DANAHER. Mr. President, will the Senator further yield?

Mr. McKELLAR. I yield.

Mr. DANAHER. First let me thank the Senator for his helpfulness to me in explaining various provisions of the bill.

Coming back to a specific item, let me ask the Senator one more question. Does the Senator from Tennessee recommend to us the committee amendment on page 17, in lines 12 and 13?

Mr. McKELLAR. Yes.

Mr. BURTON. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BURTON. The amount which appears on page 17, line 13 in the committee amendment, is \$9,304,618. As I read the hearings before the Senate committee, that includes about \$5,000,000 for the national occupational survey about which we have been talking. I think the Senator will concede that it is absolutely necessary that we have the national occupational survey completed as soon as possible.

Mr. McKELLAR. I agree to that.

Mr. BURTON. In order that we may make use of it in the problem facing us.

Mr. McKELLAR. Otherwise, I should not have voted for the appropriation.

Mr. BURTON. On pages 70 and 71 of the hearings before the Senate subcommittee appears a letter from Mr. Paul V. McNutt, Chairman of the War Manpower Commission. Mr. McNutt says:

The reduction from \$6,131,049 to \$5,000,000 in our request for funds for the completion of the Selective Service occupational inventory will make it difficult, if not impossible, for this important task to be completed during this fiscal year. The information to be derived through this project will furnish the only complete record of the skills of our men between the ages of 18 and 65. Consequently, this information is urgently needed by the War Department, the Selective Service System, and the War Manpower Commission at the earliest possible moment. Accordingly, the \$6,131,049 required for the completion of this project should be made available if this important task is to be completed this year.

Am I to understand that the committee has received assurances that with an appropriation of \$5,000,000 the national occupational survey will be completed within the fiscal year? Or will the reduction provide an excuse for delaying it several months beyond that time?

Mr. McKELLAR. We had no such assurances. The House believed that the

project could be completed with an appropriation of \$5,000,000. After hearing the Commissioner, our committee came to the conclusion that it could be done for \$5,000,000.

Mr. BURTON. But the Senator is still insisting on this fiscal year as the completion date?

Mr. McKELLAR. Congress will not adjourn for any great length of time. If more money is needed to complete the project, the Manpower Commission can always come to Congress and ask for it. We thought that the Commission ought to undertake to do the work for \$5,000,000. We accepted the House figure. The House committee went into the question very carefully, as did the Senate committee. Both committees came to the conclusion that the work could be done for \$5,000,000, and that is the amount in the bill.

Mr. BURTON. What I fear is that it may be claimed that if the Commission had \$6,000,000 it could put more persons to work on it now and complete the job within the fiscal year. If it has only \$5,000,000, that fact may be used as an excuse for not completing the job. I do not want to be a party to any delay in having the report completed.

Mr. McKELLAR. I believe that the Commission will do the very best it can to finish the report within the \$5,000,000. The House committee and the House felt that the work could be completed for \$5,000,000. The Senate committee felt likewise, and has so reported.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. VANDENBERG. While the Senator is engaged in his general explanation, I ask him to turn to page 33 of the bill and tell me what the change in language from line 14 to line 17 accomplishes?

Mr. McKELLAR. It merely enlarges the purposes for which the appropriation may be used.

Mr. VANDENBERG. The committee report says:

The effect of the change is to make any unobligated balance of appropriations for rivers and harbors available for the prosecution of all of the navigation projects authorized by the act of July 23, 1942.

Mr. McKELLAR. That is true. That is along the whole line, instead of a part of it. That is all it is. I do not believe anything will be done with any of it, between you and me.

Mr. VANDENBERG. The "whole line" in the act of July 23, 1942, is the Florida ship canal.

Mr. McKELLAR. Oh, no.

Mr. VANDENBERG. I am sorry. I have the act before me at the moment. The only project which this amendment would add to the direct appropriations is the Florida ship canal, without admitting it. I wish to know if that is the purpose of the amendment. I believe the Senator will find that I have stated the precise fact.

Mr. McKELLAR. I am afraid the Senator is correct.

Mr. VANDENBERG. I am correct; and I am amazed that such a thing should be done in this form, in this kind of a bill.

Mr. McKELLAR. It is a small matter; but I am amazed.

Mr. ANDREWS. Mr. President—

Mr. McKELLAR. I shall be glad to yield to the Senator. I did not so understand it at the time. If I had, I should have voted against it.

I now yield to the Senator from Florida.

Mr. ANDREWS. Mr. President, my colleague [Mr. PEPPER] has been called from the Chamber for a conference uptown. I should like to have this amendment passed over until he returns.

Mr. McKELLAR. I am very happy to agree to that. I should like to finish the discussion of the other matter.

Mr. VANDENBERG. The amendment has not as yet been reached; but I wish to notify the Senator that it cannot be agreed to without a real quorum and a yea-and-nay vote.

Mr. ANDREWS. We expect that.

Mr. McKELLAR. I am not in a position to explain the item to the Senator, because I myself did not understand it.

Mr. VANDENBERG. I thank the Senator for joining me in condemning this method of legislating.

Mr. McKELLAR. So far as I am concerned, it is not a method of legislation. It was a mistake on my part; but the committee overwhelmingly voted to put it in.

Let me finish with respect to the items on page 17.

An appropriation for the collection of labor market data is included in the bill. That is proper. The appropriation was allowed by the House, and also by the Senate committee.

For extension of the Farm Placement Service, \$2,058,333 was requested. The House did not allow that item at all. We heard members of the Manpower Commission. The Senate committee came to the conclusion that inasmuch as the Commission did not have a plan, and did not know whether the plan was to be voluntary or involuntary, we ought not to grant the full amount for this purpose. However, we did not want to stop any good work which might be of benefit to the Nation; so out of an abundance of caution we virtually cut the request in two, and allowed \$1,000,000. I am frank to say that the Commission did not make a very strong case; but we all realized the importance of the work. We do not want to make a mistake about it. I think it was at my suggestion that \$1,000,000 was allowed.

The Commission does not seem to want the \$1,000,000 if they are not allowed to appoint the officials receiving more than \$4,500 a year, and seems to think that I have some political motive, or that I am playing the part of a man who desires patronage, because we coupled with the grant of \$1,000,000 a provision—taken from that much-abused document, the Constitution—that no part of the appropriation shall be available to pay the salary of any person at the rate of \$4,500 per annum or more unless such person shall have been appointed by the President, by and with the advice and consent of the Senate.

A day or two ago I was denounced in the newspapers by a splendid young

gentleman. I feel confident that he did not intend to denounce me. He is a very fine man, and one of the best correspondents in the city. I have nothing personal against him. The denunciation is largely in the headlines. Inasmuch as I shall refer to that article, I ask unanimous consent to have it printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

McKELLAR ASKS PATRONAGE EXTENSION

Extension of Senate job confirmation to all Government agency positions paying more than \$4,500 was proposed yesterday, with a Manpower Commission deficiency outlay used as the entering wedge.

Senator McKELLAR (Democrat) of Tennessee, author of a Senate confirmation rider on a pending Manpower Commission appropriation, said he thought the same rule should be applied to all upper-bracket Government jobs.

The rider faces a showdown test in the Senate on Monday, when the \$15,821,000,000 war deficiency bill is called up for consideration.

Senate Majority Leader BARKLEY, who led a successful fight against Senate confirmation of Office of Price Administration and Office of Civilian Defense officials paid more than \$4,500, was out of town yesterday but is expected to take the floor against the Manpower Commission rider.

BARKLEY last July persuaded the Senate not to impose the confirmation rule on the price control and civilian defense agencies, with the warning:

"We cannot afford to create the impression that we are more interested in jobs than anything else."

Top War Manpower Commission officials have protested that their projected establishment of 12 regional offices and 125 rural and industrial offices throughout the country to control war manpower would be seriously hampered by the job confirmation requirement. Men sought for their qualifications to head up the offices, slated to draw between \$4,600 and \$8,000, could not take office unless the Senate voted yes and a single senatorial objection might block an appointment.

Senator McKELLAR, who voted with the full Senate Appropriations Committee to require confirmation of those heading up the manpower offices, said, "It's just poppycock to say patronage is involved."

"Of course, if we require confirmation in one agency, we ought to require it in all," said McKELLAR. "I'm in favor of that."
* * * The Constitution provides for it. * * * Most Senators are far better acquainted with qualified men in their own States than are officials here in Washington.

HOUSE OPPOSITION SEEN

If the Manpower Commission rider is approved by the Senate, it will meet solid House opposition in conference, it was reliably indicated yesterday.

Opposing the unsuccessful effort to force Senate approval of Office of Price Administration appointments, BARKLEY last July told the Senate:

"If we have to confirm every appointee who is paid more than \$4,500 it means that the Senator from each State must be consulted about the appointments made in his State, otherwise he might have the right to rise and express his objection to the nomination on the grounds that it was personally offensive to him, or for some other reason, which would, of course, be made in good faith."

He said he knew exactly what the country is going to say—"It is going to think that we are primarily interested in jobs."

Mr. McKELLAR. Mr. President, I believe that Senators know me well enough

to realize that I have no ambitious designs in connection with patronage. This is my fifth term in the Senate. I could never have got here by the use of patronage. I did not have any to begin with, and I have precious little now. I wish I had less. I do not believe it ever got me a dozen votes in my entire life; and I have always been elected by a very large majority, thanks to the generous conduct of the people of my State. I do not wish to build up any political machine with patronage or in any other way; but I wish to state what I think about this matter. If the head of the Manpower Commission wishes to appoint an officer in my State important enough to warrant a salary of \$4,500 a year, I honestly and conscientiously believe that it would be better to appoint someone about whom my colleague [Mr. STEWART] and I know something. We know something about, or can easily obtain information about, practically every person in the State—something about his surroundings, about his background, about whether he would make a good public servant. I think we know more about such matters than could be known by a member or employee of the Civil Service Commission, charged with the duty of selecting a man for such a position. I think we know more about the people of our State than would be known by a man from New York or Indiana or California. I am old-fashioned enough to believe that the constitutional fathers knew exactly what they were doing when they said that important officers of the Nation should be appointed by and with the advice and consent of the Senate unless the Senate by rule or law should arrange for the appointment otherwise of "such inferior officers," evidently referring to clerkships and positions of that sort, unimportant positions. I believe that the Constitution was right. I still believe so. I am old-fashioned enough to believe so. I frankly admit it. I believe it means better government.

I have been in public life in my State a long time. Take one of the finest men I ever knew—I see him walking in the Chamber now—JIM MEAD, of New York. Suppose he were the head of the Commission or any other commission. I believe I know more about manpower in my State than the Senator from New York [Mr. MEAD] would know. I think a similar situation exists in every State in the Union. I think the Senator from Nebraska [Mr. NORRIS] knows more about the people in his State, that the Senator from Oregon [Mr. McNARY] knows more about the people in Oregon, that the Senator from Kentucky [Mr. BARKLEY] knows more about the people of Kentucky—I think that every Senator knows more about the people in his State who would make good and efficient officers than would be known by the head of a commission here in Washington. I think the best way in the world to get important officers is to obtain them in the way the Constitution provides—to have them appointed by the President, by and with the advice and consent of the Senate. The matter of appointments is a nuisance to Senators. It has always been a nuisance to me. I have gotten into more trouble about it than almost

any other Senator; but at the same time I think it is the best way in the world to select such officers.

What do the commissions do in connection with the selection of officers? I understand that in some cases they refer to the Civil Service Commission, and in some cases they simply send a representative to look around and select a man. I do not think that is good government. We are spending large sums of money. We should be careful as to whom we appoint to office. It should be the desire of those who do the appointing to get the best information about the men that they can obtain. So far as I know—and I shall not take my own case, but I shall take the cases of all the other Members of the Senate—if I wanted something important done in their States, I do not know of anyone to whom I should rather go than the Senators themselves. They know the background of everyone in their States. They know the history of practically everyone of any importance in their own States. Why should Senators clothed by the Constitution with this duty be excluded? The Constitution provides that important officers of the Nation shall be appointed by and with the advice and consent of the Senate. We have gone a long way under our Constitution, as I remarked awhile ago. Let us stick to it, Mr. President; it is the real palladium of our liberties. It is the one real thing in American government. We have been marvelously successful by sticking to it. Why should we at this time of our prosperity or power, whichever we shall call it, forego our allegiance to it or to any part of it? I believe that we should not do so. I believe that we should stand by that system. I believe that we should stand by the Constitution under which the Government has been founded. I have believed that ever since I have been a Member of the Senate, and every effort of mine has been to follow the Constitution of the United States. In all the world there is nothing like it. Why should we want to chisel it off here and there? Why should we want to say it is antiquated, when under it we have become the greatest Nation in all the world? Who has ever suggested a better one? Where has it been suggested? Nowhere in this world. We had better stick to it, and I want to stick to it now.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. CONNALLY. Does the requirement in the bill apply to only one department?

Mr. McKELLAR. It does. As the Senator may or may not know, the Appropriations Committee has proposed that this provision be placed in a number of bills. It has stayed in some of them, but has been removed from others.

Mr. CONNALLY. However, this particular requirement relates only to the Navy Department; does it?

Mr. McKELLAR. Oh, no; it refers to the War Manpower Commission. That is a new field, a field in which new appointments are to be made. No one knows who is an expert on manpower; and in that field it seems to me that the advice and consent of the best body in the

world—the Senate—should be had, as provided in the Constitution. My judgment is that this is the best body in the world. I am talking about the other Members of the Senate; I am not talking about myself.

Mr. CONNALLY. Mr. President, will the Senator yield further?

Mr. McKELLAR. I yield.

Mr. CONNALLY. In his discussion of the knowledge of Senators and others, I think the Senator is overlooking one very important fact.

Mr. McKELLAR. I am sorry if I have been in error.

Mr. CONNALLY. The other day I had a discussion by invitation with one of the high officials of one of the departments relative to the selection of a lawyer in Texas. The head of the bureau is 28 years of age; he is general counsel of a large organization. He asked me about some lawyers. I know several lawyers; having practiced for several years in the justice of the peace court, I have somewhat of an acquaintance with some of the lawyers in the State.

Mr. McKELLAR. I happen to know that the Senator from Texas has practiced as much as anyone has in the courts of the State and of the Nation.

Mr. CONNALLY. I thank the Senator. The point I make is that I talked to the official about the lawyers about whom he asked me, and I myself talked about one whom he might consider. He said, "I sent two of my assistants down there last week, and they have reviewed and consulted all of these lawyers."

I asked, "How long were they there?"

He replied, "Oh, a few days."

I asked, "How many lawyers did they talk to?"

He replied, "Oh, 15 or 20."

I asked, "Do you know any of the lawyers to whom they have talked?"

"No," he replied, "I do not know any of them personally; but the men I sent report to me and say that the view of the Department is so-and-so." A little, small-shot camera view by some little 28- or 30-year-old boy in the Department about someone in the State is regarded as a better survey and as one made with better knowledge than a report from someone who has known the persons concerned 25 or 30 years, and probably has tried cases with them in the courthouse. That is a situation which I think the Senator will not overlook.

Mr. McKELLAR. I am delighted to have that statement from the Senator. I had not overlooked the matter, but I have not gotten around to it in my desultory remarks.

Mr. CONNALLY. That is not an imaginary case.

Mr. McKELLAR. I know that, and I thank the Senator.

Mr. CONNALLY. The matter came up last week, and I know how it is going to end. They are going to pick out someone whom I do not want and who I know is not the best man, but the little investigator whom they sent there from Massachusetts or New York or somewhere else with a diploma in his hand, but with no experience in court, will make the selection.

I understand that the official to whom I talked—the chief counsel in one of the departments—has never been in a court in his life except on the occasion when he was admitted to the bar, and I understand that he has never tried a case in his life. Yet he is chief counsel of one of the departments.

Mr. McKELLAR. Mr. President, I happen to know of a lawyer occupying a very high place in the Government, a man appointed from my home city, who never tried a case in his life. He never practiced law a minute in his life in Tennessee or anywhere else that I ever heard of; but he had "book larnin." He was appointed here in Washington. So far as I know, no recommendations at all were asked from Tennessee. I was told that he was to be appointed, and he was appointed. I could not and did not object. I did not have anything to do with the appointment. I was not consulted until after it had been agreed upon. I think we should retain the power to confirm the appointment of men to all important offices. I do not think clerkships should be handled in that way; but I believe that when important officers who receive as much as \$4,500 are appointed from a State whose Senator has never heard of them, such a procedure is a travesty upon government, and is a violation of the constitutional requirement.

However, even if I had the right to advise and consent as to the appointment of everyone appointed from Tennessee, I do not believe it would make a whit of difference in the opinion of the people there about me. It would be of no political advantage to me. I say that with a good deal of pride. I think the people of the State have a good opinion of me, and it is an opinion which I appreciate more than anything else in the world. I do not believe that a bit of that opinion has come from the making of any appointment. When I first became a Member of the Senate I did not have a particle of patronage, and I have precious little now. I should prefer not to have any. I wish there were some good way of selecting the various officers of the Government other than the way provided by the Constitution; but, Mr. President, 25 years ago when I came to the Senate, I was escorted to the desk, and I held up my hand to Almighty God as a witness, and I swore that I would uphold and defend the Constitution of the United States; and as I know my own heart and mind, I have kept that oath. I have taken it five times at that desk. I have kept my oath; and so long as I sit in this body I shall adhere to that oath.

I believe that the forefathers, when they wrote that provision into the Constitution which I shall take the liberty of reading, meant exactly what they said, that the officers of the Federal Government should be appointed by and with the advice and consent of the Senate. I believe that now, and I shall adhere to my belief.

I was charged by a young newspaper friend in the city of being desirous of patronage because I recommended this amendment to the appropriation bill. I had no such desire; I had no such pur-

pose. I merely think that we can get a higher order of officials for the Government in the several States of the Union by appointing them in a constitutional way rather than by appointing them in an unconstitutional way. I have uniformly taken that course as Senators know.

Mr. McNARY. Mr. President—

Mr. McKELLAR. I yield to the Senator from Oregon.

Mr. McNARY. Does the Senator have in his mind article II, section 2, of the Constitution?

Mr. McKELLAR. Yes.

Mr. McNARY. The reference there is to officers.

Mr. McKELLAR. I will read it:

He shall have power—

Meaning the President shall have power—

by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate—

Nominate—

and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

These offices in the Manpower Commission have not as yet been established; no authority has been given the President or any court of law or the head of any department to make these appointments, and, in the absence of such a law they are supposed to be appointed by the heads of departments. I do not think the departments have that right without specific authority of law. What we have done in this bill is simply to conform to the Constitution. If it be a crime for a Senator on the floor of the Senate or in a committee room to uphold and defend that provision of the Constitution, then I am guilty of that offense.

Mr. McNARY. Mr. President—

Mr. McKELLAR. I yield to the Senator.

Mr. McNARY. I am pleased at the splendid tribute paid to the Constitution by the distinguished Senator from Tennessee. I simply asked, without any idea of provoking a controversy, a question as to his interpretation of article II, section 2, of the Constitution, which, after enumerating a number of important offices, uses the generic term "officer." I am wondering if his interpretation is that an "officer" includes all employees, however insignificant, that are employed by an officer of the Government?

Mr. McKELLAR. All such except where Congress has provided that certain clerks and officers of lesser importance may be appointed by the President or by the judges of courts of law or by the heads of departments. That has not been provided for in this bill; there is no provision in the bill that touches that question at all.

Mr. McNARY. May I check for my own benefit and inquire if article II of section 2 of the Constitution is the provision upon which the Senator bases his argument, and that alone?

Mr. McKELLAR. That is true.

Mr. President, my attention has just been called to a cartoon in the afternoon Washington Star. I am pictured as being up a tree and saying to someone else, "Promise him some patronage." McNutt is holding onto a bear and I am saying, "Promise him some patronage."

Mr. BARKLEY. Does that mean promise McNutt or the bear some patronage?

Mr. McKELLAR. I do not know; I believe Governor McNutt looks more scared in this cartoon than does the bear; the bear is running, McNutt looks somewhat perturbed and in trouble, and is holding onto the tail of the bear. The bear is labeled "Manpower problem." It really is a problem; it is a problem under any circumstances, but it is not—

Mr. WILLIS. Mr. President—

Mr. McKELLAR. I shall yield to the Senator in a moment. But it is not a problem about which we ought to violate the terms of the Constitution. There is no reason for doing so. I try to legislate without regard to persons. I offered, if I remember aright—and if there is any member of the Appropriations Committee here who thinks I am wrong, I shall be glad to be corrected—an amendment appropriating a million dollars for this purpose. I did so, Mr. President, out of an abundance of precaution. The House did not allow anything. Instead of the Department thinking that was a gracious act, I am denounced by the Department and by the newspapers and by everyone concerned as a man who is thinking only of patronage, because I am upholding the old worn-out Constitution of the United States; and when I say "worn-out" I mean that that is their idea about the Constitution of the United States; it is not mine.

Mr. McFARLAND. Mr. President—

Mr. McKELLAR. I promised to yield first to the Senator from Indiana, and then I shall yield to the Senator from Arizona.

Mr. WILLIS. Mr. President, ordinarily it makes little difference to a minority Senator whether important appointments to Federal Government agencies are made with or without the Senate's approval. When Federal administrators are permitted to appoint their personnel without senatorial approval, it goes without saying that the administration appoints the man it wants. And when senatorial approval is required, it also goes without saying that the administration still usually gets the man it wants.

Nevertheless, in the peculiar circumstances in which I find myself, I think I ought to speak a word in favor of the amendment now before the Senate requiring senatorial approval of the important appointments to the War Manpower Commission, which at present is administered by Paul V. McNutt, former Governor of Indiana. As a citizen-subject of the then-Governor McNutt, I was made

peculiarly aware of his almost uncanny ability to surround himself with appointees highly qualified to control manpower. I learned in my own State, and from first-hand experience, of the methods which must have been in the mind of a War Manpower Commission spokesman last Friday when he said, "We prefer to proceed unhampered." The headlines over that statement alluded to the desire of the Commission to avoid politics in its operation. This, in Indiana, would be a laugh.

I have no doubt that Mr. McNutt will be highly successful in controlling manpower if he is permitted to proceed unhampered by the "nuisance" of senatorial approval. I am warning the faithful new dealers, whose hopes for the future are pinned to the fourth term, that such hopes would be sorely threatened by a vast McNutt-for-President army ready to spring full-armed from the dragon's teeth of the War Manpower Commission.

Mr. McNutt knows what he is talking about when he lets it be known that he "prefers to proceed unhampered" in his efforts to control manpower—whether for war or elections. He proceeded unhampered in Indiana when he assembled the notorious "2-percent club," whose chief objective seemed to be to further his Presidential ambitions of 1940, 1944, 1948, 1952, or what have you. This club did not limit its contributors to a handful of wealthy supporters. All those on the State pay rolls, even down to the charwomen of State benevolent institutions, were impressed with the practical wisdom of contributing 2 percent of their salaries to that political war chest. When this man goes about controlling manpower, he is certainly efficient about it.

I cannot conceive of the United States Senate giving anyone with this record the power to build a vastly increased 2-percent club out of what could only be, at best, a regrettable and temporary agency—the War Manpower Commission. Imagine the potentialities of such an opportunity in the hands of one who is always politically ambitious. He could hand-pick the personnel of an agency charged with the delicately precarious responsibility of controlling the liberties of every human soul in this great Nation.

In such a situation, every check against political profiteering that can be conceived should certainly be set up. Gentlemen, stop, look, and listen.

Mr. BARKLEY. If the Senator from Tennessee will permit, was the statement of the Senator from Indiana an original contribution, or was it a letter the Senator was reading?

Mr. WILLIS. It certainly was an original contribution, drawn from experience.

Mr. BARKLEY. At first I got the impression the Senator was reading from a communication from someone else.

Mr. WILLIS. I wanted to be careful in my statements.

Mr. BARKLEY. Very well.

Mr. McFARLAND. Mr. President—

Mr. McKELLAR. I yield to the Senator from Arizona.

Mr. McFARLAND. The Senator from Tennessee feels a responsibility, I take it, of helping select the best possible men in his State for the positions involved?

Mr. McKELLAR. I have always felt such a responsibility, and I still do whenever the duty is devolved upon me of doing it.

Mr. McFARLAND. Does not the Senator feel that it is his duty to see that that function is performed?

Mr. McKELLAR. I do; and that is why I am making these remarks here this afternoon and that is why I favor the amendment.

Mr. McFARLAND. Whom do the people of the Senator's State blame if a poor appointment is made, even if the appointee is not confirmed by the Senate?

Mr. McKELLAR. I have been blamed for poor appointments many times in my State when I had no more to do with them than a jack rabbit.

Mr. McFARLAND. Does not the Senator think that the people feel he has the responsibility of helping select competent public officials?

Mr. McKELLAR. In my opinion, the people generally feel that we are a constitutional government, and that it is our duty to follow the Constitution of the United States.

Mr. President, there is one further statement I wish to make about this matter, and perhaps it is something to which I should not even refer. There is not a finer cartoonist in the country than Mr. Berryman. The cartoon in today's Star is a very laughable cartoon, but I wish to say to Mr. Berryman, and to anyone else who may be interested, that it portrays me in rather a strange position. I am shown up in a tree, according to the cartoon, apparently very much scared. So far as I know, I have never been "up a tree" politically in my life, and I have never been scared in my life. I am not scared of cartoonists, of newspapermen, or of anyone else, for the reason that I try to do what is right, and I have always done so to the best of my ability. I have no other purpose than to serve my country and my God under the Constitution of the United States.

UNITED COMMAND OF ARMED FORCES

Mr. LEE. Mr. President, I wish to express my opinion on the subject of a united command. I can think of no better time than during the consideration of this appropriation bill.

I am making these observations as a Member of the United States Senate who has the responsibility of voting appropriations for the prosecution of this war. We have the responsibility of voting confirmation of the officers who direct this war. In fact, we have a full share of responsibility in this war effort.

Therefore, I feel it is not only my privilege but my duty to express my views on the subject of a united command. I do not do this with a sense of criticism. I merely offer my views for consideration by those who are charged with the final responsibility for determining the direction of this war.

Mr. President, when our present system of separate armed forces such as the Army and Navy was first established it was in the day of slow-moving transportation. It was in the day of the bow and arrow, the catapult, and the muzzle-

loading gun. It was in the day of sailing vessels and ox carts. At that time a naval engagement was entirely separate and removed from a land engagement. In that day, a land engagement had little relation and no connection with the navy, unless it happened to be a landing party.

Airplanes, tanks, and jeeps were undreamed of. Trains were not even known. There were no steamboats, only sailing vessels and ships which moved by the oars operated by crews of men called galley slaves.

If General Custer had had one machine gun, he would have won the battle of the Little Bighorn. If Robert E. Lee had had one dive-bomber he would have won the Civil War. That, my colleagues, illustrates how much difference there is in the fighting today and fighting when we established the separate branches of our armed forces.

Then later it became evident that there was a certain type of fighting which belonged both to the Navy and to the land forces. Then we established the Marines, which fact was admission that the situation was changing from the old days when separate forces were adequate.

And now Mr. President, we have come to the stage of warfare that is obliterating the lines between the different branches of our armed forces. We ourselves have not erased these lines but whether you like it or not, the conditions of modern warfare have made it evident to me that the lines of demarcation between our fighting forces should be removed.

I realize that I am flying in the face of those who for years have enjoyed the friendly rivalry which has existed between the Army and Navy. During those times of peace, we could indulge ourselves in a sort of rivalry between the different branches of our fighting forces. But the day has come when to further indulge ourselves is to jeopardize our chances of victory.

Yes, Mr. President, the rivalry between the Army and Navy reached such a point at one time that the Army and Navy football teams which represent West Point and Annapolis did not even play football against each other. That spirit of competition does not end with the graduation of the men from these two academies, but it is carried on to the high offices here in Washington. Yes; it is carried on even to the field of battle.

While I do not believe all the reports I hear, yet when those reports continue as they are today concerning the jealousy which is going on between different branches of our armed forces—for example, in the battle of the Solomon Islands and the Battle of Wake Island as to who is entitled to the glory—then I say it is time for responsible officials of Government to give consideration to the question of a united command.

At the present time the whole question of drafting is thrown into confusion because of a different policy between the Army and the Navy. The Navy gets their men by voluntary enlistment, but they get many of those men because of the Army's policy of drafting. In other

words, many boys who would not otherwise enlist go ahead and enlist rather than to be drafted.

This has thrown the draft quotas out of kilter time and again. For example, in a certain community the registration shows, let us say, 50 available men who are in class I-A. On the basis of those available men, General Hershey's organization asks for 50 men from that community. In the meantime, 20 of these young men enlist in the Navy rather than be called by the draft board. But that draft board has been asked for 50 men, therefore they must dig down into another classification in order to fill the quota.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. WALSH. Has the Senator suggested a remedy for the situation to which he has just referred?

Mr. LEE. I am about to make a suggestion.

Mr. WALSH. Later on, I assume.

Mr. LEE. Yes.

Mr. WALSH. Is the Senator's remedy a suggestion which has already been proposed, that everybody be drafted and nobody volunteer?

Mr. LEE. No; the Senator from Oklahoma has not made such a suggestion. If the Senator from Massachusetts will follow the Senator from Oklahoma, he will see I am not making that suggestion.

Mr. WALSH. The Senator from Oklahoma is not making that suggestion; or is he?

Mr. LEE. I am making an argument in favor of a united command. As an illustration in support of my contention I am citing the fact that separation between branches of our Government results in friction and lost motion. An example, incidentally, of a situation of that character occurring in an actual case was presented before our committee.

Mr. WALSH. The friction to which the Senator has referred might well be pointed out, and the Senator would be rendering a service in doing so. However, I was wondering if he was suggesting that everybody be drafted and nobody volunteer for service in either the Army, the Navy, or even for commissions.

Mr. LEE. That suggestion has been made.

Mr. WALSH. That everybody be drafted, and when drafted by agencies of the Army and Navy the men should be rated and selected for their fitness and service based on their backgrounds of experience and qualification, even to the extent of giving them commissions. I wondered if the Senator had gone that far. I assumed he was merely pointing out that friction between the Army and Navy exists, and that the Government ought to give it some attention.

Mr. LEE. Such a suggestion came before our committee, but I did not wish to deal with it specifically at this time. I appreciate the Senator's contribution, and I will state that the subject to which he has referred is an important one.

Mr. WALSH. It is a very interesting question. I am not prepared to say what should be done, but I knew the suggestion had been made and, of course, if followed it would remove the embarrassment which draft boards experience in appointing persons who volunteer for service in the Navy, the Coast Guard, or some other branch of the service. I wondered if the Military Affairs Committee had reached a decision as to how the matter should be handled or whether the boards have reached a decision. I do not believe they have.

Mr. LEE. Mr. President, I do not believe I quite understood what the Senator asked.

Mr. WALSH. Have the boards made a decision or made any recommendation?

Mr. LEE. They did not make any recommendation to our committee. They simply pointed out some of the trouble they were having when we raised the question that in some communities they were digging down into classifications which in other communities had not even been exhausted.

Mr. WALSH. I do not know how the Navy feels about this matter, but I do know that it has been giving some consideration and thought to it. At one time I thought we would be approaching the situation where there would be no volunteering, and nothing but drafting, for the Army, for the Navy, for the Coast Guard, and perhaps for certain kinds of manpower.

Mr. LEE. I thank the Senator from Massachusetts. That of course would remedy this particular case, but it would not remedy the other situations which arise in the different branches of the fighting forces.

Mr. President, this is a simple example of some of the friction and overlapping among the different branches. I could give some examples which I have heard which come from the battle fronts. I shall not give them because I do not believe it would promote unity and be helpful at this time. Nevertheless such situations do exist, and therefore, as a Member of the United States Senate, I feel it my duty to call these difficulties to the attention of those who are directing our over-all war policy.

Mr. President, in Germany they have a system which requires a young man to serve in all branches of the service before he can become a general officer in the army. He then thinks in terms of all branches of the service.

But under our system a man thinks in terms of only one branch of the service. He has drilled into his ears loyalty to the precedents of that branch of the service.

We should have one minister of warfare. Every man in the armed forces should think in terms of the total armed forces, land, air, and sea. The main purpose of a soldier or a sailor is to defend his country and to destroy the enemies of his country. Therefore, the more we can promote unity as between the different armed forces, the better it will be.

If every official had served in the different branches of service or even

thought of those branches as coordinated parts of one national unit of warfare to strike down the enemy, it would be helpful.

Mr. President, when a battle starts no one knows in what area that particular battle will end. The battle might start where a Navy man is in command, and end where the Army is in command, but finally be determined by the Air Force.

Therefore, it should appeal to the reasoning powers of every person that we need a unified supreme command and that command determined by air power.

Mr. President, I understood from one of the Members of this body who recently visited Alaska on an official inspection tour that when an attack is being planned it is under the command of the Army because the Army is in command of the land but when an attack is launched it is under command of the Navy because it is on the sea. This may not be the literal case but there is no doubt in my mind that this divided command is costing us dearly in this war.

Human nature is human nature and war does not change it. I am not criticizing anyone but I am criticizing an obsolete system. I am criticizing our system of separate fighting forces under separate commands, a system which was outmoded by the coming of the airplane and motor transportation.

It was outmoded by the coming of mechanized armies.

Now, Mr. President, let me say again that I am offering my opinion on this subject for consideration by those who are directing this war. I am not doing it in a critical spirit but with all the sincerity I possess.

It is indeed within the realms of my responsibility as a Member of the United States Senate to express my opinion on this subject. I believe we should have a unified command. I believe that unified command should be airpower. I believe supreme command should be vested in an air general who has control of all the armed forces of the United States.

This war has shown beyond a doubt that America's greatest weapon is airpower. It has shown that airpower will determine the outcome of the war. Both the Army and the Navy use airpower but I believe it should be revised so that airpower could use both the Army and the Navy.

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER (Mr. WALLGREN in the chair). Does the Senator from Oklahoma yield to the Senator from Kentucky?

Mr. LEE. I yield.

Mr. BARKLEY. Is the Senator advocating united command for the United States forces alone or united command for all the United Nations?

Mr. LEE. I believe that we should have united command for the United Nations also, but I am now making a plea for united command of our forces, and that command should reside in the air power.

Mr. BARKLEY. Under our Constitution we have a united command in the Commander in Chief of the Army and the Navy.

Mr. LEE. That is true.

Mr. BARKLEY. The Senator would not advocate any united command which could or would supersede that, would he?

Mr. LEE. No.

Mr. BARKLEY. Of course, the President, as the Senator knows, has in effect brought about a form of united command by appointing Admiral Leahy as his chief assistant and creating a board composed of four, Admiral Leahy, the Chief of Staff of the Army, the head of the Navy, and the head of the Air Corps, who sit almost daily, and also sit with the representatives of the United Nations, at least weekly, if not oftener, and that whatever is done is done practically by the unanimous agreement of all these officers, under the control of the President. So that we do have, in a very real sense I think, not only a united command in the United States, but we have it in effect in regard to the forces of the United Nations.

Mr. LEE. That is true, but that does not change the fact that we have separate commands. For instance, a general is in command of, let us say, the Panama Canal. An admiral beyond a certain line on the sea is in command there. Air power is utilized by both of them. My position is that we should have the command unified under an air force general.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. HATCH. I think I understand what the Senator is saying. What he wants is one Army of the United States.

Mr. LEE. That is exactly right.

Mr. HATCH. Which will include the Navy, the land forces, and the air forces.

Mr. LEE. Yes.

Mr. HATCH. Which will include all fighting forces. The only way in which I differ with the Senator is in respect to who shall be in charge. He wants someone from the air force to be in charge. I do not know whether that would be best or not. I entirely agree that there ought to be one Army of the United States, and that there should be one uniform also. I should like our armed forces to have one uniform, rather than the distinct uniforms of the Army, the Marine Corps, and the Navy, and other services. I believe they should all be under one command. I do not know whether it is best to have the air power in command, or the commander of the land forces in command, or Admiral Leahy in command.

Mr. LEE. I hope the Senator will then give attention to what I am about to say in support of my belief that the one supreme commander should be an air general.

Mr. HATCH. I certainly will.

Mr. LEE. The Senator from Kentucky [Mr. BARKLEY] just referred to Admiral Leahy, who certainly is a wonderful man, and yet his whole background ties him to the surface of the ocean. Admiral Leahy, or any other admiral, who has given his whole life to surface warfare on the sea is going to have his actions colored by that background.

Mr. HATCH. I shall be glad to listen to what the Senator has to say.

Mr. LEE. I thank the Senator for his contribution.

Mr. President, instead of having our strategy planned on the basis of land forces and sea forces and supported by air forces, I am convinced that our strategy should be planned on the basis of air power and be supported by land and sea power.

This would be a natural way to coordinate the armed forces, since air power is a common denominator for both land and sea forces.

When the admiral, who has spent his life training for maneuvers on the sea, plans a battle he plans it as he has been taught on the basis of naval warfare, but such warfare has been completely changed by air power. This admiral, then, in order to be up to date begins to recognize air power, but it is impossible for him to plan strategy without planning it on the surface of the sea. The same is true with respect to a general who has spent his life studying the ground strategy of mass armies. He is tied to the ground just as the admiral is tied to the surface of the ocean.

Mr. President, the air power should be in command of our armed forces just exactly as air power is over all actually and physically, just as our stratosphere bombers dominate the field of conflict in the same manner should the air generals dominate the councils of war when planning the strategy of attack.

Up to date the admirals and land generals have visualized air power merely as advance artillery; but with the increased reach of our long-range bombers and with the increased destructive power of our 4-ton bombs the situation presents a different aspect.

It is so different that to me it requires the brains of a man whose vision has encompassed this new type of warfare. With this long arm the United States can deal effective blows to the heart of the enemy; but in order that the effect of these blows may not be wasted there must be full coordination between land and sea forces in support of this great arm of our striking power.

Mr. President, some persons have recognized this problem and have approached it by recommending that the United States have three equal branches of warfare—land, air, and sea—but to me that would only aggravate the situation by adding one other separate branch of warfare.

In my opinion, one of the ablest columnists of today is Walter Lippmann. He wrote a very fine article in which he said that air power should be given a place in the driver's seat—in other words, that air power should be recognized in the war councils. I agree with that thought; but I would go further and say that the war councils should be controlled by air generals.

The Senator from Kentucky [Mr. BARKLEY] referred to an effort in this direction, which I certainly approve; but I do not think we have gone far enough, because as yet air power has not been given a seat at the controls.

To me it is unthinkable, when we are fighting for our lives, that we have sev-

eral branches of armed forces with different responsibilities under separate and different commands. To me it violates all logic. I believe we should have one Minister of Warfare, and that all the armed forces should be under him. Not only should he control the armed forces, but in my opinion he should have power to decide where our materials are most needed. He should have power to determine priorities in order that the most critical materials could be used for the most important purposes.

Soon we shall vote out a bill appropriating \$5,599,976,574.99 for the Navy. We are making this appropriation on the recommendation of the Navy itself.

Naturally, the men of the Navy are going to deal liberally with themselves, as I would if I were in their places, and as other Senators would if they were in their places; but if the critical material to be purchased by this appropriation for Navy purposes would go further toward winning the war if it were used for the air force, then it should be used for the air force.

Mr. President, let there be no misunderstanding. A thrill of pride runs through me every time I think of the Navy and the men in the naval forces.

We have the greatest navy on the seas. There can be no more patriotic nor gallant men than we have in that branch of the service. The tradition of the Navy is one of luster and glory, and nothing in the world can ever dim that luster or that glory.

Furthermore, we need the Navy. We must have it; and I shall support the Navy and the naval appropriations. Nothing we could do could ever match the sacrifice which those gallant men have already made in this war in order that we may preserve the liberty and honor of our country.

But, Mr. President, if by recognizing a new phase of warfare we are able to reduce the amount of sacrifice which will be required of the armed forces of America, in my opinion, it is our duty to recognize that new phase of warfare. Therefore I take this occasion to submit these observations for consideration by those who are directing this war.

Mr. President, it is necessary for the United States to send armed forces literally all over the globe. This means that we must spread ourselves pretty thin. When an officer is in command of an area, naturally he is going to beg, plead, and hammer and do everything he can to get all the armed forces and equipment he can for that area. In the same situation I would do the same thing.

Multiply such a situation by some forty different areas which we are guarding throughout the world and we get some idea of the pressure which is being brought to spread our armed forces all over the globe. Naturally, the more we spread our armed forces the less effective we are going to be in any one place. In my opinion, so long as we have a divided command we are going to continue to spread our armed forces. We are going to continue to try to bring up our armament in a sort of horizontal manner, rather than to concentrate it

and strike at the heart of the enemy; but if we were under a unified command and if that command were an air command, then operating under the theory that if we crush our enemy's head, his limbs will die, the air command could concentrate enough air power to strike again and again, day after day and night after night, at the vulnerable and vital spots which would destroy our enemy. Such a strategy could be much more safely planned under one responsibility than if that responsibility were divided.

Mr. President, I am not in a position to know whether or not all the materials called for by this appropriation should go for naval purposes. I am not in a position to know whether or not some of those materials should go to air power or to other military forces, but if an air general were in supreme command he would be in a much better position to weigh the hazards, to calculate the advantages, and to give proper consideration to every element which would enter into that decision.

I know it can be argued that the items in this bill are the result of expert testimony. I have even been taken to task on the floor of the Senate for putting my opinions against the testimony of the experts of the Navy; but Mr. President, let me call attention to this fact: This is a people's war, a war in which women and children, as well as soldiers, have been numbered among the casualties. The people want airpower given greater control in this war.

This is the result of the Gallup poll published August 8. The question asked was:

Assuming that land and sea and airpower is each important in winning the present war, which of these is the most important?

The answers follow:

	Percent
Land power.....	7
Sea power.....	14
Air power.....	69
Undecided.....	10

The next paragraph reads as follows:

As a matter of fact, the public appraised the value of air power even before many of the experts themselves. By a vote of more than 7 to 3 the people were calling for a bigger air force in 1935 * * *

In the Gallup poll published in last Sunday's newspaper October 18, 1942, under the heading, "Public Would Give Air Force Top Priority," the question asked was:

If there is a shortage of raw materials for manufacture of war goods, which branch of the service, do you think should have first claim on materials—the Army, the Navy, or the Air Force?

Here are the findings:

	Percent
Army.....	9
Navy.....	11
Air force.....	52
Don't know.....	28

However, if the vote is confined to those with definite opinions, the ratio is: Army, 13 percent; Navy, 15 percent; air force, 72 percent.

Quite often the layman arrives at a sound conclusion before the expert. Sometimes the expert cannot see the forest for the trees.

Today the Garand rifle is recognized as one of the best weapons we have, yet it took public opinion and a number of laymen about 2 years to force that rifle on the experts.

According to the experts, a bumblebee cannot fly because the dimensions of his body, the length of his wingspread, and the size and shape of his body, according to the specifications worked out by experts in the air-tunnel tests, make it impossible for the bumblebee to fly; but the bumblebee does not know that, so he goes ahead and flies.

The experts thought gliders were only for children to play with. In so many words they so stated before our Committee on Military Affairs. They ridiculed the use of parachute troops since 1935, when a majority of the people already favored a greater air force. It took the Battle of Crete to wake up our experts to the fact that the glider was actually a potent weapon and would play a determining part in the outcome of this war.

It took public opinion to force the experts to give Henry Kaiser a contract to build giant cargo-flying boats.

Therefore, the opinion of the expert must be weighed along with other considerations. Certainly we need experts who have given their lives to this science; but on determination of the all-over policy the contribution of the layman is not out of place.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. PEPPER. I do not know whether the Senator may have heard of the matter, but I have heard from a very responsible source the story that during the World War the submarine menace was so great that it was about to cause the Allies to lose the war, and that the Navy Department therefore issued an invitation for all laymen or persons of general knowledge having suggestions to make regarding means or inventions by which the submarine menace might be met to bring their suggestions or inventions to the Navy Department. They were received at the New London Navy Yard. Facilities were provided for them. They were given little stalls; each inventor was allowed a place to work in a little stall with his own apparatus. Numerous instances arose in connection with that situation; because each man was afraid that the men on either side of him would steal his invention.

However, the result was that within 3 months there had come out of the people's laboratory, as it were, many suggestions as to how to meet the submarine menace; and in a short time the United States Navy had the best equipment in the world to meet that menace.

Mr. LEE. I appreciate the Senator's remarks, and I am glad to have them at this point of my remarks.

Mr. President, I have offered these observations in good faith. I know I am speaking the opinion of the majority of the men on the street, the men on the farm. I am speaking the opinion, as the Gallup poll shows, of the folks and the people who in the long run will determine the outcome of this war.

I am not opposed to this appropriation. I shall vote for it. I merely chose this time as an appropriate time to express these observations.

PRINTING OF ARTICLES ON "THE AIR-PLANE AND THE BATTLESHIP" AND "DANGERS IN CONTROVERSY OVER BATTLESHIP CONSTRUCTION"

Mr. WALSH. Mr. President, in view of the very able presentation of a most important military subject, following the remarks of the Senator from Oklahoma, I should like to quote from an article written by Rear Admiral Joseph K. Taussig, and published in the United States News of October 16. The article does not deal directly with the subject which the able junior Senator from Oklahoma discussed, but it does deal with a phase of the subject which should be considered before reaching any judgment as to what branch of the services should assume supreme command.

In the article Admiral Taussig states:

In the Battle of Midway, which has been proclaimed as a great victory, we were acting on what is known as the offensive-defensive. That is, we were taking offensive action against the enemy for the purpose of defending one of our bases. We did defend the base, but, as the greater part of the Japanese Fleet escaped to fight another day, it is surprising that this should be considered a great victory. However, if our battleships had been stationed within striking distance of this battle, I am convinced that, with the initial damage done by aircraft, the entire Japanese force would have been annihilated.

We lightly pass over the great loss in aircraft in attacking surface craft with an equanimity that is entirely unwarranted. The Battle of Midway resulted in a far greater loss in aircraft and aircraft carriers than to the other surface craft. When our gallant Squadron I, composed of 15 torpedo-carrying planes, attacked a well-screened formation of Japanese surface vessels, every plane and all the personnel (with the exception of one officer) were destroyed. Fourteen of these planes never got within striking distance of the main enemy formation, and I am informed on good authority that the same fate met the Japanese torpedo plane squadrons which attacked our well-screened surface formations. They were simply annihilated.

I now read another paragraph from the article by Admiral Taussig:

If the Japanese did not recognize the great potential value of the battleships they would not have made the raid on Pearl Harbor. The Japanese knew that the only way we could save the Philippines was for our fleet to arrive there in greater strength than their own before the fall of Manila. They know that this would be impossible if they could sink or disable a number of our battleships. Accordingly, they undertook the great risk of the raid on Pearl Harbor simply because they knew our battleships were based there. And their objectives were the battleships and not the shore establishments. When the truth finally comes to light, I am confident it will show that it was the damage done our battleships which prevented sending relief to MacArthur and resulted in the loss of the Philippines.

Those very remarkable statements are by a very able retired naval officer, perhaps one of the ablest in the Navy in his day, an officer especially well informed on the problems confronting this country in any naval skirmish or combat in the Pacific Ocean. In fact, a few years before the outbreak of the war this same

admiral was severely criticized by the press for statements which he made before the Naval Affairs Committee. The press severely criticized him because of his explanation and contention regarding the difficulties which would confront our Navy in any attempt to combat the Japanese Navy in Japanese waters.

In addition to my remarks—and I have offered them only in connection with what has been said by the Senator from Oklahoma to show how involved is the matter—I should like to have printed as a Senate document two articles recently appearing in the public press. The first is the article to which I have referred, written by Rear Admiral Taussig. The second is an article written by Rear Admiral G. J. Rowcliff, now a member of the General Board of the Navy. His article is entitled "The Airplane and the Battleship." He presents views on the subject which many naval officers consider the ablest which have as yet been presented. I submit the two articles and ask that they be printed as a Senate document because of their exceptional value in regard to the present controversial naval problems.

THE PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

MR. LEE. Mr. President, will the Senator yield?

MR. WALSH. I am glad to yield.

MR. LEE. I appreciate the spirit in which the Senator from Massachusetts, the able chairman of the Naval Affairs Committee, has offered the contribution; and I want to be sure that what I have said has not been regarded as intended as a depreciation of the Navy or the use of the Navy or the need for the Navy or the gallant fighting spirit of the Navy.

I want to make the suggestion, certainly in good faith, and not in a critical manner, that, as said by Admiral Taussig in the article just quoted by the Senator from Massachusetts, the air force of the Navy itself is tied to the Navy and has a shorter reach in combat than land-based planes have, and is at a considerable disadvantage. Therefore, when we are making our decisions as to appropriations for naval construction we certainly must take into consideration the fact that the loss of aircraft carriers has been great and will be great, and that the loss of naval aircraft has been great, and much greater—I call the Senate's attention to the fact—than the loss in similar engagements of land-based planes, particularly our Flying Fortresses. Of course, I do not mean that we do not need both land and sea planes. We do. But the point I am making is that we must take into consideration a change in warfare. As chairman of the great Naval Affairs Committee of the Senate, the Senator from Massachusetts certainly has shown that he recognizes that change.

Mr. President, I desire to refer to three things in connection with the article by Admiral Taussig from which the Senator from Massachusetts has read.

With respect to Pearl Harbor, I call the Senator's attention to this point: In that attack the Japanese Navy itself was deliberately given second place. The attack was not made by the Japanese Navy; it was made by the Japanese air force.

A second point is that the Japanese destroyed our air force there, along with certain ships of our Navy. As to the weakening effect on us in destroying or disabling our battleships, no one would take issue on that point. Admiral Taussig also said that in the battle of Midway we claimed a great victory, and he put in a big "if." He said that if our battleships had been in striking distance of the enemy ships, the enemy ships would not have lived to fight another day.

However, Mr. President, air power has changed the whole strategy of warfare. Our battleships could not get within striking distance. The air branch goes out so much farther. Its reach has been greatly increased, and is being increased almost every month by new inventions.

The third point is this: In the pending bill two things are evident. One is that the admirals themselves recognize the change, because in this tremendous bill providing for the appropriation of over \$5,000,000,000 for the Navy Department they are not asking for a single battleship. Aside from the bill preceding the pending one, I believe that this is the first time that a bill of anything like the size of this one has not included an appropriation for a battleship.

MR. WALSH. Yes; the bill preceding the pending bill did not include appropriations for a battleship; and, confirming what the Senator has said, let me say that the Navy Department recently has raised to the status of admiral about 20 flight officers who had the title of captain. The large number of airmen recommended for promotion to admirals shows that the heads of the Navy themselves recognize the value and importance of the air service.

MR. LEE. The other point connected with the matter is the fact that in the pending bill such a large part of the appropriation intended for the Navy is designated for aircraft which shows that the officials of the Navy Department are recognizing the change.

VETO MESSAGES ON PRIVATE BILLS

MR. BARKLEY. Mr. President, there are on the desk several veto messages relating to private bills. I ask unanimous consent that the messages be regarded as having been read, printed in the CONGRESSIONAL RECORD, and referred to the respective committees which considered the bills involved, and I ask further that the veto messages be printed as a document.

THE PRESIDING OFFICER. Is there objection.

There being no objection, the veto messages were considered as having been read, ordered to be printed as documents, printed in the RECORD, and, with the accompanying bills, referred to committees, as follows:

CLAIMS FOR PROPERTY LOSSES FROM FAILURE OF BIG PORCUPINE DAM ON THE FORT PECK PROJECT, MONT.—VETO MESSAGE (S. DOC. NO. 281)

To the Senate:

I return herewith, without my approval, S. 1869, a bill for the relief of certain claimants against the United States who suffered property losses as a result of the failure of the Big Porcupine Dam on the Fort Peck project, Montana.

The bill proposes payment to certain persons, whose names are set forth therein, as compensation for damages sustained by them, aggregating \$29,672.69, as a result of a break in the above-mentioned dam on March 24, 1939.

In a number of instances where it has been claimed that flood and resulting damage were caused to property owners by failure of the Government to keep in repair structures which had been erected in aid of navigation, approval has been withheld from special relief bills on the ground that it was not the policy of the Government to assume responsibility therefor.

The enactment of the bill under consideration was based on an assumption or belief on the part of the Congress that the flooding of the claimants' lands and property was due largely to faulty construction of the dam and failure of the Government to exercise reasonable and proper safeguards for the protection of the claimants' property. No facts have been furnished or cited to support this assumption. From the record available in the Department it appears that the break in the dam was caused by an unprecedented accumulation and flow of heavy ice, which loosened the structure. The dam was properly designed and constructed to withstand such pressure as it would be likely to meet, based on past experience. Every precaution was taken that a reasonably prudent and careful owner and operator of such a project would be required to take in the circumstances. There is no showing of any actual negligence on the part of Government personnel.

In these circumstances I do not believe the Government should be held responsible, and I am, therefore, obliged to withhold my approval from the bill.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, October 19, 1942.

(To the Committee on Indian Affairs.)

DAYEE JONES—VETO MESSAGE (S. DOC. NO. 280)

To the United States Senate:

I am returning without my approval S. 1143, 77th Congress, "An act for the relief of Dayee Jones." The bill would create a statutory presumption that Ray Vernon Jones applied for and was granted \$10,000 National Service Life Insurance, and that he designated his wife, Dayee Jones, beneficiary thereof.

The pertinent facts of the case are that Ray Vernon Jones, lieutenant One Hundred and Sixteenth Observation Squadron, National Guard of the United States, entered active service on September 16, 1940, and died in an airplane

crash on October 21, 1940, while on a practice flight with One Hundred and Sixtieth Observation Squadron stationed at Gray Field, Fort Lewis, Wash. His death has been found to have been incurred in line of duty and not the result of misconduct. Ray Vernon Jones was eligible to apply for United States Government life insurance not in excess of \$10,000 from September 16, 1940, until October 8, 1940, under the provisions of the World War Veterans' Act, 1924, as amended, and thereafter until the time of his death, eligible to apply for National Service Life Insurance not in excess of \$10,000 under the provisions of the National Service Life Insurance Act of 1940, Public No. 801, Seventy-sixth Congress, approved October 8, 1940. The records of the Veterans' Administration do not contain any application by the veteran for either type of insurance. Further, the record before the Congress upon which reliance is had for the presumption, is at best highly conflicting.

A grant of \$10,000 insurance to the widow of Ray Vernon Jones, as provided by the bill, would establish an unwelcome precedent for granting \$10,000 insurance to the widows of other veterans who have died or may hereafter die while in active military or naval service without having availed themselves of the opportunity to protect their dependents by timely application for insurance. Moreover, Dayee Jones, as the widow of this veteran, upon application, is entitled for the period of her widowhood, to the monthly installments of \$5,000 automatic insurance provided under the provisions of Public Law 360, Seventy-seventh Congress, approved December 20, 1941, as amended, which provides insurance in the amount of \$5,000 payable to certain dependents of every person in active military or naval service who died in line of duty on or after October 8, 1940, and prior to April 20, 1942, without having in force at time of such death insurance under the War Risk Insurance Act, as amended, the World War Veterans' Act, 1924, as amended, or the National Service Life Insurance Act, in the aggregate amount of at least \$5,000.

I see no impelling reason for granting the widow of this veteran insurance benefits in excess of the amount provided by law for the widows of other veterans who die under similar circumstances.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, October 19, 1942.

(To the Committee on Military Affairs.)

ANGELA SKEOCH—VETO MESSAGE (S. DOC. NO. 275)

To the Senate:

I return herewith, without my approval, the bill (S. 2506) for the relief of Angela Skeoch.

The bill proposes to pay Angela Skeoch, of Frederiksted, St. Croix, V. I., the sum of \$2,500 in settlement of her claim against the United States for personal injuries sustained when the automobile in which she was riding was struck, on March 1, 1941, by a United States Army truck.

The accident resulted when a noncommissioned officer, driving an Army truck on military police duty, apprehended an enlisted man for intoxication, and failing to enforce his orders allowed him to ride on the front seat. The intoxicated soldier interfered with the driver, causing the truck to swerve and collide with an automobile in which the claimant was a passenger.

It appears that, as a result of the accident, Miss Skeoch sustained five lacerations about the face and head, together with bruises of face, left knee, and chest, from which she has completely recovered except for scar formations. The attending physician made a statement on October 11, 1941, that the lacerations have healed leaving thin inconspicuous scars, except for a laceration under the chin which is thick and irregular. Medical expenses incurred in connection with this injury amounted to only \$37, and there was no loss of wages for the reason that the claimant was unemployed at the time of the accident.

It appears, therefore, that the proposed payment of \$2,500 is excessive in view of the injuries sustained, for which reason I do not feel justified in approving the bill. I would not withhold my approval from a bill which would provide payment of an amount more commensurate with the injuries sustained in this case.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, October 19, 1942.

(To the Committee on Claims.)

FORMER FIRST LT. WILLIAM J. TEPsic—
VETO MESSAGE (S. DOC. NO. 276)

To the Senate:

I return herewith, without my approval, S. 2364, "An act for the relief of former First Lt. William J. Tepsic, One Hundred and Seventy-sixth Field Artillery."

The enrolled bill would authorize the President to vacate the executed court-martial sentence of dismissal imposed upon First Lt. William J. Tepsic, One Hundred and Seventy-sixth Field Artillery, as a result of which he ceased to be an officer of the Army at 12 o'clock, midnight, December 14, 1941, and to reinstate him as a first lieutenant of the Army effective December 15, 1941.

In view of the approved findings and sentence of a court of competent jurisdiction in the case of this former officer, and in the absence of sufficient evidence that an injustice has been done, I do not feel justified in approving, and thereby establishing a dangerous precedent, special legislation the effect of which would be to set aside the judgment of a court of competent jurisdiction by legislative action.

I am, however, directing the Secretary of War to appoint a board of officers to investigate Mr. Tepsic's entire record and his present qualifications for appointment as an officer, and shall take such action with reference to a new appointment as the facts warrant.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, October 19, 1942.

(To the Committee on Claims.)

MRS. REITA M. LARY—VETO MESSAGE
(S. DOC. NO. 277)

To the Senate:

I return herewith, without my approval, S. 2099, a bill "For the relief of Mrs. Reita M. Lary."

The enactment would authorize and direct the Secretary of the Treasury to pay to Mrs. Reita M. Lary the sum of \$1,266.16, representing compensation for accrued annual leave due her husband, Howard N. Lary, who died on August 6, 1941, while he was an employee of the Securities and Exchange Commission in its regional office at Denver, Colo.

The Annual Leave Act of March 14, 1936 (49 Stat. 1161), makes a grant of leave in kind, only; that is, the right to be absent from duty for a prescribed period without loss of pay while retaining a status as one of the "civilian officers and employees of the United States" included within the purview of the law. There is no provision of law for payment of the commuted value of leave not taken before separation from service. Many similar claims have been disallowed by the Government. The approval of relief legislation upon behalf of the widow of the former employee named in this enactment would result in the presentation of similar relief bills in respect to other former employees or their personal representatives similarly situated.

For these reasons, I do not feel justified in giving this enactment my approval.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, October 19, 1942.

(To the Committee on Claims.)

CLAIM OF LEGAL REPRESENTATIVES OF
ESTATE OF ROBERT LEE WRIGHT—
VETO MESSAGE (S. DOC. NO. 279)

To the Senate:

I return herewith, without my approval, S. 1033, Seventy-seventh Congress, first session, "An act conferring jurisdiction upon the Court of Claims of the United States to hear, examine, adjudicate, and render judgment on the claim of the legal representatives of the estate of Robert Lee Wright."

Some years ago Robert Lee Wright brought suit against the United States in the Court of Claims alleging two distinct causes of action: (1) nonperformance of a contract for compensation for the use of certain inventions relating to projectiles, and (2) infringement of the patents covering such inventions. Before the case was completed Robert Lee Wright died. In 1935 his administratrix, Willie Crockett Wright, the beneficiary under S. 1033, was substituted as party plaintiff and revived the prosecution of the suit. After the proofs were completed, and shortly before the case was submitted to a Commissioner of the Court of Claims for report on the facts, plaintiff elected to waive all patent infringement claims and elected to rely solely upon the cause of action based upon contract. The Court of Claims found that plaintiff was not entitled to recover on contract and dismissed the petition.

The purpose of the present enactment is to authorize and direct the Court of Claims, in effect, to reopen and reconsider the former case, substituting the alleged infringement of the patents as a cause of action.

The administratrix elected in the former suit to rely solely on the cause of action based upon contract, which cause was determined adversely to her claim. The Government should not now, as a result of such voluntary election by the plaintiff, regardless of the motives prompting such election, be required to defeat piecemeal the claims of Mr. Wright's estate. In my opinion, the decision of the Court of Claims should, under the circumstances, be accepted as determinative of all the issues, and intervention by the legislative branch of the Government is unwarranted.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, October 19, 1942.
(To the Committee on Claims.)

CAFFEY ROBERTSON-SMITH, INC.—VETO
MESSAGE (S. DOC. NO. 278)

To the Senate:

I return herewith, without my approval, S. 103, a bill "For the relief of Caffey Robertson-Smith, Inc."

This bill authorizes and directs the Secretary of Agriculture to pay, out of any funds available for carrying out the provisions of section 32 of the act entitled "An act to amend the Agricultural Adjustment Act, and for other purposes," approved August 24, 1935, as amended, the sum of \$9,348.86, to Caffey Robertson-Smith, Inc., of Memphis, Tenn., in full satisfaction of its claims against the United States for payments for the exportation of certain quantities of cotton at the rates in effect at the time of the sale thereof for export.

The program of the Department of Agriculture, under which indemnity payments were made for the exportation of cotton, provided that the exporter could either file declaration of sale at the time the cotton was sold, or could file notice of delivery at the time the cotton was exported. The method employed by the exporter was left to his choice. If the exporter elected to file a declaration of sale, he was protected as to the rate of payment which was in effect at the time of the sale on cotton subsequently exported within the prescribed period. The exporter who filed declaration of sale was required to file also a bond in the amount of \$2 per bale to assure fulfillment within the prescribed time of the said contract. This condition of the program was necessary in order to prevent the earmarking of funds on which no actual exports would be made, to assure the most effective utilization of the total funds provided for the program, and to encourage quantitatively the maximum exportation of cotton. In filing declaration of sale, Caffey Robertson-Smith, Inc., failed to file the necessary bond within the prescribed time.

To grant relief to Caffey Robertson-Smith, Inc., as is proposed in S. 103, would be discriminatory, considering the large number of exporters who did com-

ply with the provisions of the program. All programs of necessity, must have some limitations and regulations. Relief to an individual who has found that his failure to comply with provisions of the program has worked a hardship on him may be considered as a precedent to others and encourage them to seek the same type of relief.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, October 19, 1942.
(To the Committee on Claims.)

CONFIRMATION OF POSTMASTERS

Mr. McKELLAR. Mr. President, as in executive session, I ask unanimous consent that the Senate proceed to consider three nominations reported by the Committee on Post Offices and Post Roads today, which deserve special consideration. I refer to the nominations of William L. Dawson, Jr., to be postmaster at LaGrange, Ky.; Kenneth L. Martin, to be postmaster at Bloomfield Hills, Mich.; and Charles R. Gampher, Jr., to be postmaster at Rossford, Ohio.

These three nominees will shortly be called into the military service, and the Post Office Department would like to have them confirmed immediately so that they may be commissioned as postmasters in their respective cities before being called into the service. During their service they will be given leaves of absence from their duties as postmasters.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and, without objection, the nominations are confirmed.

Mr. McKELLAR. I ask that the President be immediately notified.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith of the confirmations.

Mr. BARKLEY. Mr. President, there are on the Executive Calendar but two nominations, both being nominations of postmasters, and I ask unanimous consent that, as in executive session, they may be confirmed and the President notified.

The PRESIDING OFFICER. The clerk will state the nominations.

The legislative clerk read the nomination of Edith A. Gordy to be postmaster at Wisner, La.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Viola J. Kearns to be postmaster at Netcong, N. J.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Without objection, the President will be notified forthwith of the confirmations.

SUPPLEMENTAL NATIONAL DEFENSE APPROPRIATIONS

The Senate resumed consideration of the bill (H. R. 7672) making supplemental appropriations for the national defense for the fiscal year ending June 30, 1943, and for other purposes.

Mr. PEPPER. Mr. President, before the day's session is concluded, and so that the explanation may be a part of its business, I wish to say just a word

in respect to the remarks made by the able Senator from Michigan [Mr. VANDENBERG] in a colloquy with the able Senator from Tennessee [Mr. McKELLAR] in regard to an item contained in the pending bill.

The inference was left—and I regret very much that the able Senator from Michigan is not now on the floor—

Mr. McKELLAR. In respect to what does the Senator intend to address the Senate?

Mr. PEPPER. It is with respect to H. R. 7672 that I propose to speak. It is that portion of the bill relating to the canal, and may be found on page 33, under the appropriation for the Corps of Engineers. I have reference to the Senate amendment made to the House bill affecting the authority of the Engineers to work upon any parts of the projects which are of a navigation character, included in the act of July 23, 1942, Public Law No. 675.

I desire to say that I was in attendance with the Governor of my State on a delegation from Florida at the office of the Price Administrator, and for that reason I was not on the floor so I could have heard the inquiry made by the Senator from Michigan.

The Senator from Michigan left the impression that either the Senate Appropriations Committee or someone else was trying to slip into the bill some item by another name and as a result of some sinister purpose. I wish to repudiate that as well as the alleged statement of fact which the Senator from Michigan made, and to say that it was in error, and, I regret to say, grossly in error. That is the reason I wanted to make this word of explanation.

Mr. President, the Bureau of the Budget recommended to the Congress through the House of Representatives that during the coming year certain work be done upon a part of the intracoastal waterway, which we approved here and which later became Public Law 675, approved by the President July 23, 1942.

That bill could be said to fall into three parts. First, was the cutting of a new canal from the Mexican border to Corpus Christi, Tex., 12 feet deep and 125 feet wide.

Second, was the deepening to a depth of 12 feet and a width of 25 feet of an existing intracoastal canal from Corpus Christi to Apalachee Bay on the west coast of Florida.

Third, the cutting of a new canal a distance of about eighty-odd miles across the peninsula of Florida.

So the bill passed by us this year, which is Public Law 675, approved by the President on July 23, 1942, provided for three categories of work, all of which was to make for the Nation an intracoastal waterway stretching from the Mexican border to Trenton, N. J., there already being an inland waterway 12 feet deep and more than 100 feet wide from the east coast of Florida to Trenton, N. J.

The Bureau of the Budget recommended that, for the purpose of moving petroleum products out of the Gulf area where they originate, by pipe line across

the Peninsula of Florida, through which they were to move into the intracoastal canal on the east coast of Florida, there be authorized such work as could be done in a year on the part of the existing canal for its enlargement between Corpus Christi, Tex., and Apalachee Bay.

Congress had dealt with this as a whole project, as a part of national intercoastal waterway. We went before the Senate Appropriation Committee and pointed out the fact that the Congress had dealt with the whole project as one project. We had not authorized merely the part from Corpus Christi to the Mexican border, or merely the enlargement of the existing canal, or only the barge canal, but we authorized the whole project to make a whole intercoastal waterway for the Nation. We therefore said to the Senate Appropriations Committee, "We are not complaining about the action of the Bureau of the Budget in suggesting that immediate construction be upon only that part of the canal between Corpus Christi and Apalachee Bay on the west coast of Florida, but we are saying that the Congress ought not to limit what the engineers may do upon a national project excepting insofar as they ought to be limited by the Bureau of the Budget taking into consideration the money matters, and by the executive branch of the Government taking into consideration priorities and availability of material and manpower."

Therefore, we merely say, "Let us give to the engineers authority to work upon any part of this authorized waterway within the money made available by the Bureau of the Budget out of unobligated balances—just a few million dollars altogether—and, if the executive department of the Government finds it possible and proper, to authorize specifically and affirmatively work upon any other part of the project." But we said, "Now that we have treated it as a whole in the Congress, let us not cut it all up into segments again legislatively," although we made it clear in our conferences with the Bureau of the Budget, and in our testimony, which is in the record before the Senate Appropriations Committee, that we were not asking any initiation of these improvements until and unless the President and the Bureau of the Budget, out of unobligated balances already appropriated, found it proper and affirmatively desirable to initiate construction. If there is anything fairer than that I do not know it.

This afternoon the Senator from Michigan [Mr. VANDENBERG] said that all which this added authority applied to is just the Florida ship canal, which is grievously untrue. It would authorize the engineers to work upon either end of the waterway that we authorized in the early part of this year, or in the summer—either the part between Corpus Christi and the Mexican border, which is, I think, something like 100 miles, or the Florida end of it, which is also authorized in that bill.

So the Senator from Michigan was in error in what he said to the able Senator from Tennessee. Representatives of the United States Army engineers appeared and, with full knowledge of that fact and a full discussion of the matter by the

committee, stated that with that understanding, and the language couched as it is now, there was no objection on the part of the Army engineers. So when the Senator from Michigan leaves the impression that there was not a hearing, that there was not full presentation of the facts, that the Army Engineer Corps was not represented, the Senator is uninformed.

Mr. President, I did not want today's RECORD, therefore, to become permanent in print without some refutation of the statement made by the Senator from Michigan being carried at the same time. Whenever the Senator gets ready for a more thorough consideration of the matter on the floor we will be very glad to go into the facts. I did not want this day's RECORD to show those imputations, without the true facts being carried in it.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McKELLAR. I was present at the hearings and asked some questions about the matter, and I gained the impression that what the Senator wanted was the right to use this money all the way from Corpus Christi to Apalachee Bay. I thought I asked the specific question if any money was going to be used on the canal, and I was told that it was not, but that it would be used on any part of the waterway from Corpus Christi, Tex., to Apalachee Bay in Florida, and on the west coast of Florida, that was desirable. I see that the Senator from Louisiana [Mr. OVERTON] asked a question:

That is from Corpus Christi to Apalachee?

The Senator from Florida [Mr. PEPPER] answered as follows:

From Corpus Christi to Apalachee Bay on the west coast of Florida. However, I have talked to Mr. Wayne Coy, Assistant Director of the Budget, and they have no objection, as Mr. Coy affirmed to me, to the authorization of the use of these unobligated balances upon any part of this whole waterway, provided it be clear that Congress is not giving a directive to them to initiate this construction, until and unless they find it proper, taking into consideration the availability of funds, and the availability of equipment, and so forth.

That was where I gained the impression in the hearings which I stated today, that it was that part of the canal from Corpus Christi to Apalachee Bay. I did not know that it was intended to include what is known as the Florida ship canal. I was told, and I think it appears somewhere in the hearings, but I do not find it, although I have looked for it hastily while I have been on my feet, that the purpose was to get the oil from the Texas field and from the Louisiana field, and take it along this north Gulf of Mexico route known as the inland waterways to Apalachee Bay, and that there the oil would be transported by pipe line, which was being built. That is the impression I received. I did not know it was for the purpose of actually doing work on the Florida ship canal.

Mr. PEPPER. Mr. President, I appreciate the dilemma which the Senator finds himself in, because the matter is a little bit confused, but I think I can clear it up. The Senator is right and wrong. We are talking a little bit about different

things. The situation is this. Let me take it up chronologically. In July of this year we authorized the project which I described a bit ago, which is the digging of a new canal from the Mexican border to Corpus Christi, the enlargement of the existing canal from Corpus Christi to Apalachee Bay, and the digging of a new canal across Florida—all as one project, one authorization in one bill, as one waterway, to connect up with the inland waterway on the east coast.

Mr. McKELLAR. But that was not pointed out in this hearing.

Mr. PEPPER. If the Senator will allow me, I think perhaps we were at fault in not making the matter clear. I think if the Senator will read the whole record it will be clear to the Senator. That is the first thing chronologically that happened. The next thing chronologically that happened was that the Bureau of the Budget, when this matter was being considered in the House, sent down an item or a recommendation that certain unobligated balances in the hands of the Corps of Engineers be allocated to and used for the purpose of, one might say, the completion of the middle part of the bill of July, that is, the enlargement of the existing waterway from Corpus Christi to Apalachee Bay, which could be done in a year. That is all that the Bureau of the Budget recommended the authorization of. It related strictly to that statement.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. CONNALLY. The Senator has touched a certain feature in which I am interested. As I understand, the attitude of the Bureau of the Budget is that they want to use these unobligated funds primarily for the deepening of the channel from Corpus Christi, Tex., to Apalachee Bay. That is the first consideration.

Mr. PEPPER. The Senator is correct.

Mr. CONNALLY. But the Senator from Florida wants to make it possible for the engineers, if they should see fit, to allocate these funds to other purposes.

Mr. PEPPER. Any little additional funds that they have as unobligated balances.

Mr. CONNALLY. The amendment does not do that. The amendment opens it up so it is just a question then as to what the engineers may want to do. I think we ought to follow the recommendations of the Bureau of the Budget. I am interested in the language contained in the House bill, that those unallocated balances shall be first and primarily devoted to the deepening and improvement of the channel from Corpus Christi, Tex., to Apalachee Bay on the west coast of Florida.

Mr. PEPPER. That is provided for. We took great care to provide for it, as the Senator from Louisiana [Mr. OVERTON] will attest.

Mr. CONNALLY. Every dollar, though, that is spent on some other part of this authorization may come out of the money that ought to go to the improvement of this channel.

Mr. PEPPER. No; that is not possible, the way this matter came to the Senate

floor. If the Senator will read the record—

Mr. CONNALLY. I am talking about the language of the bill. The language of the bill is what we are passing; we are not passing the hearings.

Mr. PEPPER. But if the Senator has read the committee report—

Mr. CONNALLY. Let me read the language of the bill—
are hereby made available—

That is, all these unobligated balances—

are hereby made available for the prosecution of the navigation projects authorized by the act approved July 23, 1942.

In other words, the engineers want to take this money and use it on any portion of all the projects which were authorized, whereas the Budget insists that the primary improvement shall be made on this particular stretch of the canal in which I am interested; and I wish to see it improved first, because it ought to be improved first. It is necessary to improve that stretch in order to make the canal harmonious with the depth and serviceability of the other end of the canal. I understood that the engineers were not proposing to try to dig the Florida Canal at this time, but to deepen the channel and bring oil and gasoline in barges up to Apalachee Bay, then transport it across Florida with a pipe line, and pick it up at the other end of the canal with another barge line, and bring it on to the Atlantic coast.

My theory is that if this language in the Senate bill is contained in the final draft the Senator from Florida, with his usual eloquence and persuasiveness, will influence and induce somebody in the Engineer Corps to divert these funds from the deepening of the channel from Corpus Christi to Apalachee Bay to some purpose which we do not now have in mind. I say that in all kindness to the Senator. I have been under the spell of his magic and I know just what I might do under tremendous temptation if I were the supervising engineering officer.

Mr. PEPPER. Mr. President, all this discussion arises from the fact that my able friend from Texas was not at the committee hearing, and did not hear all that was said.

Mr. CONNALLY. I apologize; but I cannot be at every committee hearing.

Mr. PEPPER. Of course. I am not complaining about that.

Mr. CONNALLY. I was in attendance on the Finance Committee for 3 months trying to get some of the money which Senators are going to spend by the pending bill.

Mr. PEPPER. The able Senator is not a member of the committee. I am not complaining about it. I am merely saying that had he been present, or had he had the time in his busy life to have read the record of the hearings, everything would have been made clear. We specifically went on record, after having consulted with the Bureau of the Budget, that there was not even a suggestion of an intention of the character indicated. Not only that; but the committee itself, if the Senator will allow me to say so—

Mr. CONNALLY. Let me say another word to the Senator and I shall be through.

When I want to see what an act of Congress means, the first thing I do is to get a copy of the act. I do not wish to have to chase down some official in the Budget Bureau and put an intellectual camera on him to find out what is in his mind, or what was in his mind last year. I want to read what is in the act. This language is clear and unequivocal.

Mr. PEPPER. The Senator will at least agree that the report of the committee is pertinent?

Mr. CONNALLY. I do not agree that any report can control the plain and unequivocal language of an act of Congress. If the act of Congress is equivocal and ambiguous, the courts will sometimes go to the debates to determine what Congress had in mind; but when the language says "A, B, C," we do not have to find out what "P" and "Q" mean.

Mr. PEPPER. Mr. President, in the first place, on page 4 of the committee report appears the following language:

CORPS OF ENGINEERS—RIVERS AND HARBORS

It is recommended by the committee that the following language be stricken from the bill:

"* * * work of enlargement of the present Intracoastal Waterway from the vicinity of Apalachee Bay to Corpus Christi, Tex., in accordance with the provisions of"

And the following words inserted in lieu thereof:

"NAVIGATION PROJECTS AUTHORIZED BY

"The effect of the change is to make any unobligated balances of appropriations for rivers and harbors available for the prosecution of all of the navigation projects authorized by the act of July 23, 1942, rather than just the specific project mentioned by the bill as passed the House. However, the committee recommends this amendment with the understanding that priority will be given to the project named in the House bill, namely, the enlargement of the present Intracoastal Waterway from the vicinity of Apalachee Bay to Corpus Christi, Tex."

That language is from the committee report.

In the second place, the Chief of Engineers sent Colonel Reber, his representative, to appear before the Committee on this item. The Colonel stated definitely and unequivocally that this amendment would not interfere with the construction of the part from Corpus Christi to Apalachee Bay, exactly as though the additional language were not in the bill. That was the Engineer Corps itself speaking.

Mr. CONNALLY. Suppose the Engineer Corps should change its mind next week? If it should change its mind the appropriation would be changed.

Mr. PEPPER. In the third place, that is the statement of the law anyway. Unless the Budget Bureau should affirmatively recommend this additional construction and provide money from additional funds which it has impounded, and which are not involved, and unless the President should give a directive, the Army Engineers could not start work anyway. They testified to that effect before the committee.

The able senior Senator from Louisiana [Mr. OVERTON] is a member of

the Committee on Appropriations, and a member of the subcommittee. The able Senator from Texas could not be more interested than is the senior Senator from Louisiana in the assurance that the part from Corpus Christi to Apalachee Bay will be constructed, as the House has provided. He stated in the record that he had a complete understanding with the representative of the Engineer Corps. It was put in writing in the report, and it is embodied in the committee recommendation. The understanding is that nothing contained in this added authority will take away one red cent of the money which the Bureau of the Budget has already allocated to and designated for use in the construction of that part.

All our amendment did—and the representative of the Engineer Corps stated that that is what caused the Engineer Corps to have no objection to it—was merely to state that so far as Congress is concerned, if there are additional unobligated balances in the hands of the engineers, and if the Engineer Corps thinks it can work on the Texas end or the Florida end of this project, if the Bureau of the Budget releases the money for it, and if the President gives the engineers a directive to proceed, finding that manpower and material are available, there will be no objection on the part of Congress, and that authorization for such use of unobligated balances will be given. That is all it does; and that is all embodied in writing in the record of the hearings, and summarized in the recommendation of the committee.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McKELLAR. Let me call the Senator's attention to the question and answer which determined my view about the matter. On page 115 of the hearings, under the heading "Work that will be carried on," I find the following:

Senator McKELLAR. What work do you think you can do?

Colonel REBER. We are planning, Senator McKellar, to concentrate primarily on that portion of the Intracoastal Waterway between New Orleans and Carrabelle. Then in addition to that, there are very definite bottlenecks, so to speak, west of New Orleans, in several sections, reaching as far as the mouth of the Brazos River, Tex., which flows into the Gulf of Mexico near Freeport.

That states my understanding. I may be in error about it.

Mr. PEPPER. The Senator is correct.

Mr. McKELLAR. I may be in error in my interpretation of Colonel Reber's testimony. My understanding is that the money is to be spent between New Orleans and Carrabelle.

Mr. PEPPER. If the Senator is talking about the \$6,000,000 necessary for that part, he is absolutely correct. However, the point is that if they have any other money, authorization for its use will be given under the conditions I have stated. I think they have got hold of about \$10,000,000. This project would cost only about \$6,000,000. We are not talking about the same money.

Mr. McKELLAR. I did not understand about the two appropriations. I

thought Colonel Reber was talking about the money which was to be used in this appropriation for the purposes of the war.

Mr. PEPPER. That is where the conclusion is. Nobody expects any part of that \$6,200,000 to be affected in any sense of the word. We are not talking about the same money. Perhaps I was at fault in not making it clear.

Mr. McKELLAR. It seems to me that I made it as clear as it was possible to make it.

Senator McKELLAR. What work do you think you can do?

Colonel REBER. We are planning, Senator McKellar, to concentrate primarily on that portion of the Intracoastal Waterway between New Orleans and Carrabelle. Then in addition to that, there are very definite bottlenecks, so to speak, west of New Orleans, in several sections, reaching as far as the mouth of the Brazos River, Tex., which flows into the Gulf of Mexico near Freeport.

From that language, and from what the Senator previously stated, I got the idea that by releasing this money we could probably open up the canal from Corpus Christi, Tex., to Apalachee Bay, Fla., which is a sheltered canal, and that pipe lines were now being built to convey oil to the east coast of Florida, so that large quantities of oil could be furnished to the east coast of the United States, where it is so necessary. All I can say to the Senator is that that is the conclusion which I reached, and those are the facts on which I based my opinion that provision should be made to release that appropriation.

Mr. AIKEN rose.

Mr. PEPPER. One further word, and then I will yield to the Senator from Vermont.

The Senator is absolutely correct in speaking of the expenditure of money which the Bureau of the Budget has already made available for this part of the construction. Of course, the Army engineers made it clear that they do not propose to engage in any construction for which the Bureau of the Budget has not specifically provided. At the present time all the Bureau of the Budget has provided for is the part about which the Senator is speaking, from Corpus Christi to Apalachee Bay. We were merely asking the committee to provide in the legislation congressional authority for the use of any other funds which might be available, provided the Bureau of the Budget should direct the engineers to use those funds, and provided the President should give them a directive to undertake the work.

There is no conflict whatever between the two; and the Senator from Louisiana [Mr. OVERTON] was scrupulous in seeing to it that there was no possible misunderstanding on that subject.

So, if Senators will read the whole record and will look at the legislation, there cannot be any possible misunderstanding of the facts or the legal effect of the amendment.

Mr. AIKEN rose.

Mr. PEPPER. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I am interested in this part of the bill from what will probably be called selfish motives. I am interested in getting an adequate supply of fuel oil and other petroleum products to New England and to the Northeast at the earliest possible date, and it is immaterial to me whether the oil comes across Florida by pipe line or by barge canal, so long as it gets across Florida and to the Northeast in sufficient quantities and on time.

However, as I understand the matter, any canal or pipe-line system across Florida could not be used to the fullest advantage until the inland waterway from Texas to the west coast of Florida is completed. Therefore, it seems to me that it would be only the natural course to make sure that the Gulf waterway is completed and put in use or made available for use before either the pipe-line system or the canal is built across Florida.

Mr. PEPPER. Will the Senator permit me to respond right at that point, because I appreciate the inquiry.

Mr. AIKEN. Yes.

Mr. PEPPER. The part of the inland waterway that is now built along the Gulf of Mexico, from Corpus Christi to Apalachee Bay, is already 9 feet deep. It is an existing canal. It is a question of policy and judgment as to whether it would be better to dig the connecting link to a depth of 9 feet or to increase the depth of the part in the Gulf of Mexico—a part which is perfectly usable and is already being used by a very considerable volume of traffic—from 9 feet to a depth of 12 feet.

I put in the record that we were not quarreling with that judgment; but, because we thought the Engineer Corps would have equipment which could be used in working along on this project, which would accumulatively be approaching the time when there would be a possible connecting link, we saw no reason why the Congress should withhold permission from the Engineer Corps and the Bureau of the Budget and the President to let some work be done toward the construction of the canal, or the Texas end of it, if in their opinion all conditions were satisfactorily met. That is all there is to it.

Mr. AIKEN. Mr. President, it seems to me that the fears of those persons who seemed to believe that the money might be spent in digging the canal across Florida are rather unfounded.

Mr. PEPPER. Of course, they are.

Mr. AIKEN. Because those who are interested in either the pipe-line system or the canal across Florida naturally would realize that, unless the canal from Florida to the oil fields of Texas were usable and practicable, the canal or the pipe lines, either one, would be virtually worthless.

Mr. PEPPER. The Senator is correct; and we should be glad to put in language, if the Senator from Texas would feel better about it, to say:

Provided, however, That no construction on any other part of the project shall be begun until the part—

Designating it—

between Corpus Christi, Tex., and Apalachee Bay is completed.

There is no question about that. We merely hope that if the Army Engineer Corps were to find itself with some drag lines and dredges in the vicinity of the Texas end or the Florida end of the pipeline project, they could be working on it in such a way as to assure its eventual completion.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. McKELLAR. I want to say that the amendment is not now before the Senate.

Mr. PEPPER. That is correct.

Mr. McKELLAR. Of course, it must go over until tomorrow, in any event; and if the Senator does not object, we can recess now until tomorrow, and then the matter can be brought up again.

Mr. BURTON. Mr. President, will the Senator yield to me so that I may ask him a question? I have been standing for half an hour waiting for an opportunity to ask a question.

Mr. PEPPER. I yield.

Mr. BURTON. My question is for information as to a particular matter which has been presented. As I understand the provision, it relates to any and all unobligated balances from existing appropriations which may be developed under the head of rivers and harbors appropriations under the War Department appropriation bill and similar appropriation bills of 1943, and it is not possible to ascertain how large such amounts will be. Is that correct?

Mr. PEPPER. It is a question of fact as to how large they will be. The maximum estimate so far has been \$10,000,000; and the project which we have been discussing, the one from Corpus Christi, Tex., to Apalachee Bay, is estimated to cost \$6,200,000.

Mr. BURTON. It may be larger than \$10,000,000; we will not know until the end of the bills, in other words.

The discussion shows, as I understand it, that in any event, as the bill passed the House, that fund could be used only for the enlargement of the present canal between Corpus Christi, Tex., and Apalachee Bay; is that correct?

Mr. PEPPER. That is correct.

Mr. BURTON. Can the Senator give me an estimate as to how much that cost will be?

Mr. PEPPER. Approximately \$6,200,000.

Mr. BURTON. As a consequence of the language of the substitute of the Senator from Florida, it also would apply to the enlargement between Corpus Christi and the Mexican border; is that correct?

Mr. PEPPER. That is correct.

Mr. BURTON. About how much would that involve?

Mr. PEPPER. I do not recall exactly the cost of it; but the whole project which we authorized in July, including the part from the Mexican border to Corpus Christi, the enlargement of the

canal from Corpus Christi to Apalachee Bay, and the building of the barge canal across Florida, would amount to approximately \$83,000,000,000.

Mr. BURTON. Can the Senator give me an estimate of the amount which would be involved in the other link, the one between Apalachee Bay and the east coast?

Mr. PEPPER. The cost of Florida canal part, including the cost of the five locks, was to be about \$44,000,000.

Mr. BURTON. So that if the enlargement were made as proposed by the Senate amendment, it would open up an expenditure of at least \$44,000,000, if that were available, for the development across Florida, and also an additional sum for the development to the west of Corpus Christi, and there is nothing in the act as it stands that would set a priority as to the expenditures which would be made; is that correct?

Mr. PEPPER. Yes; and the committee's recommendation is always taken as a part of the act. Furthermore, when the Army engineers come before the Appropriations Committee for funds, they always specify what they will do, and they will not change that unless they have another chance to come before the Appropriations Committee and correct it.

So, as a practical matter, in making appropriations, we never do specify the projects upon which it shall be expended. We go upon the statements which the engineers make before the Appropriations Committee; and they scrupulously regard those statements as binding as to the expenditure of the money.

So that historically and practically, and buttressed by the record and the report of the committee, they are not given any authority to interfere with the part from Corpus Christi to Apalachee Bay, and they are not going to initiate any other projects until they are approved and authorized by the Bureau of the Budget and directed by the President.

Mr. BURTON. Let me see if I clearly understand the matter: As the bill passed the House, funds in the amount of approximately \$6,000,000 might be available for the central link; is that correct?

Mr. PEPPER. That is correct.

Mr. BURTON. And no more, and not for the Florida link; is that correct?

Mr. PEPPER. That is correct.

Mr. BURTON. But with the Senate amendment in the bill, up to \$44,000,000 would then be available, and only then, to be expended for the Florida link, if the money were there; is that correct?

Mr. PEPPER. If the money were unobligated and available, if the Bureau of the Budget allocated it for these purposes, if the President found the situation such as to justify and require the expenditure, and if he gave a directive that it be done—yes, with all those "ifs."

Mr. CONNALLY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Texas?

Mr. PEPPER. I yield.

Mr. CONNALLY. The Senator suggested a few minutes ago that some amendment of his be brought about. If the Senate would disagree to the Senate committee amendment and leave the House language, and add a proviso that any other funds might be used which would accomplish the purpose if the middle section were left clear and intact and a proviso added "Provided, however, That any unexpended funds," and so forth, that would leave us in a position either to adhere to the House language in toto, or vote down the proposed amendment. I am not urging that, but I am suggesting that that could be done as a means of accomplishing the object sought.

Mr. PEPPER. Mr. President, one thing about which the proponents were solicitous was that the projected legislation should be treated as a unit project. For purposes of practical construction, the construction would begin where it was thought best to begin it, but it was thought that legislatively it should not be divided up again into various sections, because the whole purpose of the bill was to provide for one waterway. If there is the desire to break it up into isolated, separate parts, legislatively, again, we might just as well not have adopted the authorization.

Mr. AIKEN. Mr. President, I wish to ask the Senator just one further question.

Mr. PEPPER. I yield.

Mr. AIKEN. I think the answer will have an important bearing on this matter. If the money had been available, has the Senator any doubt of the length of time it would have taken to put the inland waterway in such usable condition that oil could be borne in adequate quantities to northeastern United States? How long would it take if the money were available?

Mr. PEPPER. The work authorized by the Budget on that part of the canal between Corpus Christi and Apalachee Bay is that work which can be done in 1 year. Evidently the petroleum authorities and the Budget and the engineers thought that 1 year's work would get the canal into condition so that it could adequately supply the pipe line and meet the petroleum needs. That is the best answer I can give, that a year was the period of work that was referred to by the Budget, and they are authorized to do only the work which can be done in a year, even between Corpus Christi and Apalachee Bay.

Mr. AIKEN. How long would it take to construct adequate pipe line capacity for a 12-foot barge canal across Florida?

Mr. PEPPER. The estimates vary all the way from 13 months up to 3 years. Of course, the Senator is not losing sight of the fact that the canal between Corpus Christi and Apalachee Bay is already 9 feet deep and already over a hundred

feet wide, and already moving great volumes of oil. As a matter of fact, it is already capable of moving all the oil that can be moved through the pipe line that is now being built. They have authorized its enlargement so that we have a greater capacity to furnish oil to the peninsula of Florida. Perhaps they intend to build larger pipe lines; I do not know. It is already capable of moving all the oil that can move through the pipe line that is now being built or that is presently contemplated. However, if we could get a greater capacity in this inland waterway, then, of course, it would move more oil through any additional pipe line or through tank cars or by trucks across the narrow peninsula, so that it could get through the 12-foot-deep intercoastal canal on the east coast, which runs as far north as Trenton, N. J.

PUBLIC DEMAND FOR T. N. E. C. REPORTS

Mr. O'MAHONEY. Mr. President, since the Temporary National Economic Committee went out of existence, so many requests have been coming to my office daily for copies of its various publications that it became necessary a week or two ago to present and secure the adoption of a resolution authorizing the publication of 1,000 additional copies of the final report. Five hundred of those copies will be delivered to the House Document Room, and the other 500 will be available for Members of the Senate.

Because of the demand, I made inquiry of the Superintendent of Documents to find out what the exact condition was of the stock on hand in the Superintendent's office. Senators are aware of course, that the Superintendent of Documents sells to the public all manner of Government publications for which there is a public demand. I find that although this committee went out of existence on April 3, 1941, demand for its publications continues unabated. A single day does not pass that I do not receive several letters in my office asking for one publication or another. The report which I now have in my hands shows the rather remarkable record that the Superintendent of Documents has actually sold to the public 182,125 copies of our various publications. That is the record as of October 6, 1942. The receipts for these various publications amounted to \$74,556.45. In this material are to be found factual information and expressions of opinion about almost every conceivable subject which would be involved in economic reorganization or post-war planning.

Mr. President, I ask that there may be printed as a part of my remarks, at this point, the report of the Superintendent of Documents on the condition of stock of the hearings and monographs of the Temporary National Economic Committee.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Report of the Superintendent of Documents on the condition of stock of Temporary National Economic Committee hearings and monographs as of Oct. 6, 1942

Hearings, part—	Received	On hand	Sold	Unit price	Unit total
1. Economic Prologue.....	3,781	294	3,487	\$0.25	\$871.75
2. Patents.....	2,077	503	1,574	.75	1,180.50
3. Patents.....	1,534	447	1,087	.35	380.45
3. Patents (extract).....	5,213	0	5,213		90.00
4. Life Insurance.....	2,039	107	1,932	.50	966.00
5. Monopolistic Practices in Industries, Development of the Beryllium Industry.....	1,005	0	1,005	.75	753.75
5A. Federal Trade Commission Report on Monopolistic Practices in Industries.....	1,013	0	1,013	.15	151.95
6. Liquor Industry.....	1,000	83	917	.40	366.80
7. Milk Industry, Poultry Industry.....	1,010	0	1,010	.75	757.50
8. Problems of the Consumer.....	2,000	735	1,265	.25	316.25
9. Savings and Investment.....	1,042	0	1,042	.75	781.50
10. Life Insurance.....	1,004	28	976	.75	732.00
10A. Life Insurance.....	4,602	296	4,306	.35	1,507.10
11. Construction Industry.....	1,000	420	580	.75	435.00
12. Industrial Insurance.....	1,000	174	826	.75	619.50
13. Life Insurance.....	1,127	300	827	.75	620.25
14. Petroleum Industry.....	1,005	154	851	.75	638.25
14A. Petroleum Industry.....	1,009	119	890	.75	667.50
15. Petroleum Industry.....	1,000	198	802	.75	601.50
15. Petroleum Industry (extract).....	505	0	505		165.00
15A. Petroleum Industry.....	1,000	242	758	.35	265.30
16. Petroleum Industry.....	1,024	235	789	1.00	789.00
17. Petroleum Industry.....	1,004	240	764	.65	496.60
17A. Petroleum Industry.....	1,000	214	786	.30	235.80
18. Iron and Steel Industry.....	1,000	503	497	.30	149.10
19. Iron and Steel Industry.....	1,028	482	546	.35	191.10
20. Iron and Steel Industry.....	1,012	472	540	.35	189.00
21. War and Prices.....	1,000	332	668	.65	434.20
22. Investment Banking.....	1,000	542	458	.50	229.00
23. Investment Banking.....	1,022	544	478	.65	310.70
24. Investment Banking.....	720	272	448	.75	336.00
25. Cartels.....	1,020	355	665	1.50	997.50
26. Iron and Steel Industry.....	1,002	542	460	.65	299.00
27. Iron and Steel Industry.....	1,024	601	423	.75	317.25
28. Life Insurance.....	1,078	106	972	1.25	1,215.00
29. Interstate Trade Barriers.....	1,089	488	601	.55	330.55
30. Technology and Concentration of Economic Power.....	1,019	387	632	1.75	1,106.00
31. Investments, Profits, and Rates of Return for Selected Industries.....	1,019	356	663	.40	265.20
31A. Supplemental Data Submitted to the Temporary National Economic Committee.....	1,019	233	786	.50	393.00
Final Report of the Executive Secretary to the Temporary National Economic Committee.....	3,145	141	3,004	.55	1,652.20
Total.....			45,046		22,804.05

Monograph	Received	On hand	Sold	Unit price	Unit total
1. Price Behavior and Business Policy.....	5,766	794	4,972	\$0.45	\$2,237.40
2. Families and Their Life Insurance.....	4,262	830	3,432	.25	858.00
3. Who Pays the Taxes?.....	4,837	1,405	3,432	.10	336.20
4. Concentration and Composition of Individual Incomes, 1918-37.....	3,360	143	3,217	.15	482.55
5. Industrial Wage Rates, Labor Costs, and Price Policies.....	3,269	592	2,677	.25	669.25
6. Export Prices and Export Cartels (Webb-Pomerene Associations).....	3,323	942	2,381	.35	833.35
7. Measurement of the Social Performance of Business.....	3,229	758	2,471	.30	741.30
8. Toward More Housing.....	2,837	199	2,638	.30	791.40
9. Taxation of Corporate Enterprise.....	2,238	60	2,178	.60	1,306.80
10. Industrial Concentration and Tariffs.....	4,302	1,658	2,644	.35	925.40
11. Bureaucracy and Trusteeship in Large Corporations.....	3,257	310	2,947	.30	884.10
12. Profits, Productive Activities, and New Investment.....	2,978	719	2,259	.35	790.65
13. Relative Efficiency of Large, Medium-Sized, and Small Business.....	5,258	1,404	3,854	.50	1,927.00
14. Hourly Earnings of Employees in Large and Small Enterprises.....	4,330	1,391	2,939	.15	440.85
15. Financial Characteristics of American Manufacturing Corporations.....	2,901	415	2,486	.40	994.40
16. Antitrust in Action.....	4,428	766	3,662	.20	732.40
17. Problems of Small Business.....	4,314	1,167	3,147	.40	1,258.80
18. Trade Association Survey.....	4,017	560	3,457	.50	1,728.50
19. Government Purchasing—An Economic Commentary.....	2,223	203	2,020	.35	707.00
20. Taxation, Recovery, and Defense.....	4,259	1,112	3,147	.35	1,101.45
21. Competition and Monopoly in American Industry.....	5,776	1,641	4,135	.40	1,654.00
22. Technology in Our Economy.....	3,266	221	3,045	.35	1,065.75
23. Agriculture and the National Economy.....	5,327	1,653	3,674	.10	367.40
24. Consumer Standards.....	3,235	801	2,434	1.00	2,434.00
25. Recovery Plans.....	3,780	1,276	2,504	.30	751.20
26. Economic Power and Political Pressures.....	10,349	3,964	6,385	.25	1,596.25
27. The Structure of Industry.....	3,254	799	2,455	1.00	2,455.00
28. Study of Legal Reserve Life Insurance Companies.....	8,307	1,638	6,669	.50	3,334.50
28A.....	3,110	528	2,582	.15	387.30
29. The Distribution of Ownership in the 200 Largest Nonfinancial Corporations.....	2,673	330	2,343	2.00	4,686.00
30. Survey of Shareholdings in 1,710 Corporations with Securities Listed on a National Securities Exchange.....	2,741	639	2,102	.35	735.70
31. Patents and Free Enterprise.....	3,275	117	3,158	.25	789.50
32. Economic Standards of Government Price Control.....	2,940	747	2,193	.55	1,203.15
33. Geographical Differentials in Prices of Building Materials.....	2,217	654	1,563	.55	859.65
34. Control of Unfair Competitive Practices Through Trade Practice Conference Procedure of the Federal Trade Commission.....	2,763	539	2,224	.10	222.40
35. Large-Scale Organization in the Food Industries.....	3,311	284	3,027	.20	605.40
36. Reports of the Federal Trade Commission.....	2,717	666	2,051	.25	512.75
37. Saving, Investment, and National Income.....	3,268	611	2,657	.20	531.40
38. A Study of the Construction and Enforcement of the Federal Antitrust Laws.....	3,225	402	2,823	.15	423.45
39. Control of the Petroleum Industry by Major Oil Companies.....	5,247	1,688	3,559	.30	1,067.70
39A.....	3,253	1,332	1,921	.15	288.15
40. Regulation of Economic Activities in Foreign Countries.....	3,008	604	2,404	.20	480.80
41. Price Discrimination in Steel.....	2,814	666	2,148	.10	214.80
42. The Basing Point Problem.....	2,730	543	2,187	.30	656.10
43. The Motion Picture Industry—A Pattern of Control.....	5,239	2,388	2,851	.15	427.65
S. Doc. 35, 77th Cong., 1st sess.....	4,078	38	4,040	1.00	4,040.00
Total.....			137,079		51,752.40

Total number of Temporary National Economic Committee publications sold..... 182,125
 Total income from same, to date..... \$74,556.45
 Increase since Jan. 6, 1942 (total revenue)..... \$7,668.30
 Increase since Jan. 6, 1942 (publications sold)..... 16,549

1500 additional copies have been ordered reprinted.

MOBILIZATION OF MANPOWER

Mr. PEPPER. Mr. President, a few days ago I introduced in the Senate Senate Resolution 291, which contemplated the appointment of a special committee to be appointed by the Vice President to make a study of the whole subject of manpower mobilization and use in this country. That resolution was referred to the Committee on Education and Labor. A subcommittee has been holding hearings upon the resolution to determine whether it shall report favorably, or make some modification of the suggestion contained in the resolution, and that is in the nature of a study which is now going on, which we thought appropriate to the committee which deals with the question of public health and vocational training, and public education, and with the question of labor legislation.

It is to be remembered that after all the mobilization of our manpower means the mobilization of more civilians than soldiers. So I thought appropriate to mention at this time, and ask that they be incorporated in the RECORD at the conclusion of my remarks, two letters, one addressed to the chairman of the Committee on Education and Labor, the Senator from Utah [Mr. THOMAS], from J. G. Luhrsens, executive secretary-treasurer, Railway Labor Executives Association, and another dealing with the same subject from M. W. Thatcher, legislative chairman, National Farmers' Union.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

RAILWAY LABOR EXECUTIVES' ASSOCIATION,
Washington, D. C., September 25, 1942.
Hon. ELBERT D. THOMAS,
Chairman, Senate Committee
on Education and Labor,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR THOMAS: It is my understanding that Senate Resolution 291, introduced by Senator PEPPER to create a five-man committee to study manpower mobilization, has been referred to your committee.

I wish to convey to you my hearty support of Senator PEPPER's resolution and urge upon you the necessity to hold public hearings on the need for such an investigation in the immediate future.

At the present time the Railway Labor Executives' Association is much perturbed by the constant and persistent publicity which is being given to a national service act. We fear that some such legislation may be passed without adequate study being given to the complexities of the problem. We have particular reference to the relationship between production scheduling and manpower scheduling. In addition, we are seriously concerned with the present inadequacies of Federal labor market mechanisms to handle the distribution of war manpower.

With all good wishes, I am,

Sincerely yours,

J. G. LUHRSENS,
Executive Secretary.

NATIONAL FARMERS UNION,
Washington, D. C., September 24, 1942.
The Honorable ELBERT D. THOMAS,
Chairman Senate Committee on
Education and Labor,
The Capitol, Washington, D. C.

DEAR SENATOR: The Nation's No. 1 problem is manpower. We are months, if not years, late in preparing to meet this problem. Lack of an adequate manpower policy has hit agriculture more quickly than any other industry.

Some people think this problem can be met by higher farm prices and wage adjustments or by a simple freezing of persons in their present occupations. Our organization knows that no such methods would be efficient or adequate. They would soon do more harm than good.

We are alarmed at the blind efforts of various groups in Government and out of Government to take headlong steps to meet our manpower problem without any evidence whatsoever having been given that a program adequate for our needs has yet been thought out. It is clear to us that we can no more meet our farm manpower needs without an adequate over-all program for all industries and activities than we can meet them by a simple juggling of wages and prices. We therefore feel most strongly that it would be disastrous to agriculture and to the Nation to proceed without a realistic examination of all suggested plans and phases of the problem.

We believe Senate Resolution 291, just introduced by Senator PEPPER, provides the only sensible next step. The National Farmers Union urges, therefore, the immediate holding of hearings on that resolution so that your committee and, we hope, the Senate, can be convinced of the need for taking inventory for which the resolution provides. We should be glad to appear before your committee and we do hope that you will immediately call all interested parties for such hearings. We fail to see any other effort now being made to set about providing at this late date the kind of manpower plans which the Nation needs.

Very truly yours,

M. W. THATCHER,
Legislative Chairman,
National Farmers Union.

THE NATIONAL SERVICE ACT

Mr. AUSTIN. Mr. President, last night I engaged in the American Forum of the Air, at which the subject which has occupied the attention of the Senate for a part of today was discussed, and I made some brief remarks which were prepared in advance. I ask unanimous consent to have those remarks printed in the RECORD itself at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

The most recent estimate of the number of men required for the Army in 1943 is 7,500,000. If there must also be provided a complement at the rate of 15 civilian workers to each soldier, then the manpower demand would be increased by 112,500,000 persons. Such a demand could not be met out of a population of 134,000,000 on the basis of present man-hours of work and peacetime free competition in the labor market, now estimated to number 59,000,000, and probably to number by the end of 1943, 62,500,000. A crisis would threaten which would involve curtailment of food supplies to both fighting men and civilians, as well as to the production goals set for equipment of our Army as a mobile force competent to strike on any battle front on the globe, if the Government should fail to organize and coordinate demand and supply of manpower and man-hours.

Four bills involving control of manpower between the ages of 18 and 65 have been introduced in the Senate.

Evidence taken in various committee hearings on related subjects has already established the fact that two influences have stripped farms throughout the country of men necessary for their operation—inductions into the land and naval forces, and the competition of industrial employers offering high wages.

There is too great a differential in hours, wages, comfort, interest, and glamor to justify any further hope that this critical short-

age can be offset by voluntary service. This fact, alone, warrants enactment of the type of legislation which I have offered.

Also, I believe that labor piracy among industrial activities, as well as labor hoarding in anticipation of future increase of labor demand, require preventive legislation.

My bill, S. 2805, is aimed directly at establishment and maintenance of proper balances between fighting men and production workers, and among civilian activities essential to the health and welfare of the population, and the maintenance of the Army. It is based upon existing laws and institutions, and creates no new agency.

The President, through any agency he might choose, but presumably through his Organization for War, consisting of the Joint Chiefs of Staff, the Economic Stabilization Board, and the War Production Board, from time to time, would determine what may be an adequate supply of production workers in war industries and agriculture, and in other occupations, activities, and employments. These determinations would depend on what may then be essential to the effective prosecution of the war. They would be designed to maintain a proper balance between fighting men and production workers, and among the production workers themselves.

Thus, the Commander in Chief would determine the policies, and would collect, assimilate, and distribute to the Selective Service System categorical information regarding the demand for labor, manpower, and man-hours.

Meanwhile, the Selective Service System is already collecting detailed information which will show the supply of manpower by corresponding categories.

Thus, the systematized over-all relationship between demand and supply could furnish the basis for selection.

Registrants would be selected and assigned to duty by the selective service local boards. The right to appeal from all decisions to a home-rule appeal board or agency of appeal set up under the now existing law is continued by the bill.

Each selectee, not deferred, would be bound to perform the service required of him, and he could not engage in an original employment, or transfer to some other service, or voluntarily enlist, or be commissioned an officer, without the consent of his local board.

This provision would keep the information regarding quotas constantly before the local boards. It would assure the giving of credit to the local communities for all inductions, and it would prevent evasion or avoidance of the plan for an over-all, comprehensive, and inclusive systematization of fighters and workers, with the objective of most efficient armies, wholesome conditions among civilians, and maximum, continuous—and even accelerated—production.

The spirit of the bill has the same democratic ideal which animates and gives moral power to the existing selective-service law. It is decentralized operation of coordinated planning. It is the distribution of operating authority to the smallest branches and twigs of the tree—that is, to the local boards consisting of neighbors of each registrant. They are required to pass upon each person separately and impartially in executing the grand policy required by total war.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. WALLGREN in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS

Mr. McKELLAR. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, October 20, 1942, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate October 19 (legislative day of October 15), 1942:

COLLECTOR OF INTERNAL REVENUE

Harold A. Berliner of San Francisco, Calif., to be collector of internal revenue for the first district of California, in place of Clifford C. Anglim, resigned.

COAST AND GEODETIC SURVEY

The following-named employees of the Coast and Geodetic Survey to the position indicated:

TO BE HYDROGRAPHIC AND GEODETIC ENGINEER WITH RANK OF LIEUTENANT IN THE COAST AND GEODETIC SURVEY

Dale E. Sturmer, from the 15th day of October 1942.

Fair J. Bryant, from the 3d day of November 1942.

Charles W. Clark, from the 7th day of November 1942.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY OF THE UNITED STATES

TO ORDNANCE DEPARTMENT

Capt. Champlin Fletcher Buck, Jr., Field Artillery (temporary lieutenant colonel), with rank from June 11, 1941.

PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES

To be colonels with rank from October 1, 1942

Lt. Col. Harold Roe Bull, Infantry (temporary major general).

Lt. Col. James Byron Haskell, Signal Corps (temporary colonel).

Lt. Col. Charles Morton Milliken, Signal Corps (temporary brigadier general).

Lt. Col. James Fred Byrom, Quartermaster Corps (temporary colonel).

To be lieutenant colonels with rank from November 4, 1942

Maj. Dale Vincent Gaffney, Air Corps (temporary colonel).

Maj. Kenneth Bonner Wolfe, Air Corps (temporary brigadier general).

Maj. Grant Heninger, Field Artillery (temporary lieutenant colonel).

Maj. Stanley Powloski, Infantry.

Maj. John Milton Harman, Corps of Engineers (temporary lieutenant colonel).

Maj. Harry Lincoln Calvin, Quartermaster Corps (temporary lieutenant colonel).

Maj. Henry Berbert, Corps of Engineers (temporary lieutenant colonel).

Maj. Chester Carroll Hough, Corps of Engineers (temporary colonel).

Maj. Conrad Palmer Hardy, Corps of Engineers (temporary colonel).

Maj. Clifford Irving Hunn, Cavalry (temporary lieutenant colonel).

Maj. Chester Howard Elmes, Quartermaster Corps (temporary colonel).

Maj. Edward Vanmeter Macatee, Quartermaster Corps (temporary colonel).

Maj. John Vernon Hart, Air Corps (temporary colonel).

Maj. Richard Hartnett Magee, Air Corps (temporary colonel).

Maj. Henry Harold Reilly, Air Corps (temporary colonel).

Maj. Henry DuPree, Infantry (temporary lieutenant colonel).

Maj. John Caraway Arrowsmith, Corps of Engineers (temporary colonel).

To be lieutenant colonels with rank from November 16, 1942

Maj. Harvey Thomas Morgan, Infantry (temporary colonel).

Maj. Elsmere Joe Walters, Quartermaster Corps (temporary colonel).

Maj. Harry Edgar Hagan, Quartermaster Corps (temporary lieutenant colonel).

Maj. Frank Osborn Dewey, Cavalry (temporary colonel).

Maj. Edward Milan Taylor, Field Artillery (temporary lieutenant colonel).

Maj. Jesmond Dene Balmer, Field Artillery (temporary brigadier general).

Maj. Herschel David Baker, Field Artillery (temporary lieutenant colonel).

Maj. Donald David FitzGerald, Air Corps (temporary colonel).

Maj. Thomas Standifer Gunby, Field Artillery (temporary colonel).

Maj. Andrew Paul Sullivan, Coast Artillery Corps (temporary lieutenant colonel).

Maj. Austin Walrath Martenstein, Air Corps (temporary colonel).

Maj. Edwin Barton Bobzien, Air Corps (temporary colonel).

Maj. John D. Corkille, Air Corps (temporary colonel).

Maj. William Ross Mackinnon, Quartermaster Corps (temporary lieutenant colonel).

Maj. DuVal Crump Watkins, Quartermaster Corps (temporary colonel).

Maj. Levi L. Berry, Air Corps (temporary colonel).

Maj. Carlton Foster Bond, Air Corps (temporary colonel).

Maj. Robert MacKenzie Shaw, Signal Corps (temporary lieutenant colonel).

Maj. John DeForest Barker, Air Corps (temporary colonel).

Maj. James Albert Durnford, Quartermaster Corps (temporary lieutenant colonel).

Maj. Engmann August Andersen, Quartermaster Corps (temporary colonel).

Maj. Frank Griffin Marchman, Quartermaster Corps (temporary lieutenant colonel).

Maj. Francis Hugh Antony McKeon, Infantry (temporary lieutenant colonel).

Maj. Braxton DeGreves Butler, Quartermaster Corps (temporary lieutenant colonel).

Maj. Clifford Augustus Smith, Quartermaster Corps (temporary lieutenant colonel).

Maj. Warren Rice Carter, Air Corps (temporary colonel).

Major Thomas Francis Sheehan, Cavalry.

Maj. Thad Victor Foster, Air Corps (temporary colonel).

Maj. Thomas Joseph Cross, Infantry (temporary colonel).

Maj. James Bayard Haley, Finance Department (temporary colonel).

Maj. Emerick Kutschko, Infantry (temporary colonel).

Maj. Marshall Eugene Darby, Ordnance Department (temporary colonel).

Maj. Peter Thomas Wolfe, Infantry (temporary colonel).

Maj. John Cyrus Gates, Quartermaster Corps (temporary lieutenant colonel).

Maj. Harold Alling McGinnis, Air Corps (temporary colonel).

Maj. Harry Arthur Halverson, Air Corps (temporary colonel).

Maj. Morton Howard McKinnon, Air Corps (temporary colonel).

Maj. Elmer Edward Adler, Air Corps (temporary brigadier general).

Maj. Nathan William Thomas, Quartermaster Corps (temporary lieutenant colonel).

Maj. Walter Bernard Hough, Air Corps (temporary colonel).

Maj. William Michael Lanagan, Air Corps (temporary colonel).

Maj. George Platt Tourtellot, Air Corps (temporary colonel).

Maj. George Hendricks Beverley, Air Corps (temporary colonel).

Maj. Paul California Wilkins, Air Corps (temporary colonel).

Maj. Bruno William Brooks, Quartermaster Corps (temporary colonel).

Maj. Gustavus Franzle Chapman, Quartermaster Corps (temporary lieutenant colonel).

Maj. Norman Delroy Brophy, Air Corps (temporary colonel).

Maj. Wallace Gordon Smith, Air Corps (temporary colonel).

Maj. Charles Adam Horn, Air Corps (temporary colonel).

Maj. Byron Elihu Gates, Air Corps (temporary colonel).

Maj. Elmer Karl Pettibone, Quartermaster Corps (temporary lieutenant colonel).

Maj. Thomas Hugh Young, Infantry (temporary lieutenant colonel).

Maj. William Lewis Boyd, Air Corps (temporary colonel).

Maj. Delmar Hall Dunton, Air Corps (temporary brigadier general).

Maj. Orvil Arson Anderson, Air Corps (temporary brigadier general).

Maj. Emile Tisdale Kennedy, Air Corps (temporary colonel).

Maj. Robert Benjamin Hood, Field Artillery (temporary lieutenant colonel).

Maj. Roy Milton Thoroughman, Infantry (temporary colonel).

Maj. John Joseph Powers, Quartermaster Corps (temporary colonel).

Maj. John Canning Wade, Corps of Engineers (temporary lieutenant colonel).

Maj. George William Goddard, Air Corps (temporary colonel).

Maj. Charles Wingate Reed, Ordnance Department (temporary colonel).

Maj. William John McCarthy, Coast Artillery Corps (temporary colonel).

Maj. Guy Kirksey, Air Corps (temporary colonel).

Maj. Thomas Herbert Chapman, Air Corps (temporary colonel).

Maj. Robert Van Thomas, Quartermaster Corps (temporary lieutenant colonel).

Maj. Angier Hobbs Foster, Air Corps (temporary colonel).

Maj. Edwin Sullivan, Air Corps (temporary colonel).

Maj. Carroll Ray Hutchins, Quartermaster Corps (temporary lieutenant colonel).

Maj. John Fidelis Connell, Finance Department (temporary lieutenant colonel).

Maj. John Sherman Gullet, Air Corps (temporary colonel).

Maj. Walter Lenius Dencker, Philippine Scouts (temporary lieutenant colonel).

Maj. Roy Judson Caperton, Finance Department (temporary colonel).

Maj. Paul Kellam, Quartermaster Corps (temporary lieutenant colonel).

To be lieutenant colonels with rank from November 24, 1942

Maj. Ray L. Owens, Air Corps (temporary colonel).

Maj. Charles Benjamin Leimbach, Field Artillery (temporary lieutenant colonel).

Maj. Henry Leonard Kersh, Finance Department (temporary lieutenant colonel).

Maj. Lloyd Russell Garrison, Field Artillery (temporary colonel).

Maj. Raymond George Miller, Field Artillery (temporary lieutenant colonel).

Maj. Clyde Milton Hallam, Field Artillery (temporary colonel).

Maj. Nicoll Fossdick Galbraith, Field Artillery (temporary colonel).

Maj. William Adrian Enos, Finance Department (temporary lieutenant colonel).

Maj. Norman Joseph Eckert, Field Artillery (temporary lieutenant colonel).

Maj. Hugh Cort, Field Artillery (temporary colonel).

Maj. George Vardeman McPike, Air Corps (temporary colonel).

Maj. Jasper Ewing Brady, Jr., Infantry (temporary lieutenant colonel).

Maj. George Good Cressey, Air Corps (temporary colonel).

Maj. Clarence Edgar Crumrine, Air Corps (temporary colonel).

Maj. Harry Kirsner, Quartermaster Corps (temporary lieutenant colonel).

Maj. Russell Hay Cooper, Air Corps (temporary colonel).
 Maj. Gaylord Leon Phipps, Infantry (temporary lieutenant colonel).
 Maj. Henry Guy Woodward, Air Corps (temporary colonel).
 Maj. Clifford James Moore, Quartermaster Corps (temporary colonel).
 Maj. John Ross Morgan, Air Corps (temporary colonel).
 Maj. Roscoe Caleb Wriston, Air Corps (temporary colonel).
 Maj. Charles Edwin Thomas, Jr., Air Corps (temporary colonel).
 Maj. Henry William Brandhorst, Infantry.
 Maj. Leonard Roberts Smith, Infantry (temporary lieutenant colonel).
 Maj. Stanley Noble Partridge, Quartermaster Corps (temporary lieutenant colonel).
 Maj. James Bumer Jordan, Air Corps (temporary colonel).
 Maj. Albin Nace Caldwell, Quartermaster Corps (temporary lieutenant colonel).
 Maj. John Hamilton Judd, Quartermaster Corps (temporary lieutenant colonel).
 Maj. Thomas Jefferson Ford, Chemical Warfare Service (temporary colonel).
 Maj. Charles Richardson Smith, Quartermaster Corps (temporary colonel).
 Maj. Raymond Edward Shum, Infantry (temporary colonel).
 Maj. Kenton Parkes Cooley, Infantry (temporary colonel).
 Maj. Leste: Erasmus Gruber, Finance Department (temporary colonel).
 Maj. Fay Smith, Infantry (temporary colonel).
 Maj. Alfred Nelson Taylor, Infantry (temporary lieutenant colonel).
 Maj. Jack Edmund Rycroft, Quartermaster Corps (temporary lieutenant colonel).
 Maj. Ben Robert Jacobs, Infantry (temporary lieutenant colonel).
 Maj. Jefferson Buckner Willis, Infantry (temporary colonel).
 Maj. Clyde Girard Banks, Infantry (temporary lieutenant colonel).
 Maj. Ivan Downes Yeaton, Field Artillery (temporary colonel).
 Maj. Thomas Everett Winstead, Infantry (temporary colonel).
 Maj. Harry Cullins, Quartermaster Corps (temporary colonel).
 Maj. Alfred Edwin McKenney, Infantry (temporary colonel).
 Maj. Henry Bosard Ellison, Infantry (temporary lieutenant colonel).
 Maj. Joe Arthur Hinton, Infantry (temporary colonel).
 Maj. William Paul Hayes, Infantry (temporary lieutenant colonel).
 Maj. Earl Monroe Miner, Infantry (temporary lieutenant colonel).
 Maj. Eugene Lemuel Miller, Infantry (temporary colonel).
 Maj. Reuben Ellis Jenkins, Infantry (temporary colonel).
 Maj. Patrick Francis Powers, Chemical Warfare Service (temporary colonel).
 Maj. Howard E. Pulliam, Infantry (temporary lieutenant colonel).
 Maj. Millard Fillmore Willet Oliver, Finance Department (temporary colonel).
 Maj. Thomas Alfred Northam, Infantry (temporary lieutenant colonel).
 Maj. James Robert Manees, Infantry (temporary colonel).
 Maj. Roland Samuel Henderson, Infantry (temporary lieutenant colonel).
 Maj. Norman Drysdale Gillet, Chemical Warfare Service (temporary colonel).
 Maj. Jack Clemens Hodgson, Air Corps (temporary colonel).
 Maj. Carlisle Clyde Dusenbury, Infantry (temporary lieutenant colonel).
 Maj. James Leland Bolt, Infantry (temporary lieutenant colonel).
 Maj. John Harvey Becque, Chemical Warfare Service (temporary lieutenant colonel).
 Maj. Theodore Thomas Teague, Signal Corps (temporary colonel).

Maj. Eugene Vincent Elder, Signal Corps (temporary colonel).
 Maj. Carter Weldon Clarke, Signal Corps (temporary colonel).
 Maj. Ralph Gordon Richards, Quartermaster Corps (temporary colonel).
 Maj. Paul LaRue Neal, Signal Corps (temporary lieutenant colonel).
 Maj. Ray Guy Harris, Air Corps (temporary colonel).
 Maj. Harry Earl Reed, Finance Department (temporary lieutenant colonel).
 Maj. Kamell Maertens, Infantry (temporary colonel).
 Maj. James Cole Shively, Air Corps (temporary colonel).
 Maj. Clifford Smith, Quartermaster Corps (temporary colonel).
 Maj. Francis Harold Vanderwerker, Judge Advocate General's Department (temporary colonel).
 Maj. James Culver Cluck, Air Corps (temporary colonel).
 Maj. Richard Geter Rogers, Quartermaster Corps (temporary colonel).
 Maj. Robert Taylor Strode, Field Artillery (temporary lieutenant colonel).
 Maj. Harold Charles Raymond, Field Artillery (temporary lieutenant colonel).
 Maj. Charles Herbert Day, Field Artillery (temporary colonel).
 Maj. Harry Lee Watts, Jr., Field Artillery (temporary lieutenant colonel).
 Maj. Harold Engerud, Cavalry (temporary lieutenant colonel).
 Maj. Sidney Cushman Page, Finance Department (temporary colonel).
 Maj. Walter Talcott Wilsey, Quartermaster Corps (temporary colonel).
 Maj. Albert James Hastings, Field Artillery (temporary lieutenant colonel).
 Maj. Seward Lincoln Mains, Jr., Field Artillery (temporary lieutenant colonel).
 Maj. Herbert Glendon Messer, Signal Corps (temporary lieutenant colonel).
 Maj. Charles Kellogg McAllister, Finance Department (temporary colonel).
 Maj. Thomas Francis Keefe, Field Artillery (temporary lieutenant colonel).
 Maj. Edward Harold Metzger, Field Artillery (temporary colonel).
 Maj. Clinton Steele Berrien, Field Artillery (temporary lieutenant colonel).
 Maj. John Edward McCarthy, Infantry (temporary lieutenant colonel).
 Maj. Keith Kirkman Tatom, Infantry (temporary lieutenant colonel).
 Maj. Paul Revere Taylor, Infantry (temporary lieutenant colonel).
 Maj. William Noel Amis, Air Corps (temporary colonel).
 Maj. Alva Edison McConnell, Quartermaster Corps (temporary colonel).
 Maj. Harold Hibbard Carr, Air Corps (temporary colonel).
 Maj. Carley Lawrence Marshall, Infantry (temporary lieutenant colonel).
 Maj. Henderson Wilcox Allen, Philippine Scouts (temporary lieutenant colonel).
 Maj. William Ernest Donegan, Infantry (temporary colonel).
To be lieutenant colonels with rank from November 26, 1942
 Maj. Stanley Milward Umstead, Air Corps (temporary colonel).
 Maj. Robert Smith Williams, Quartermaster Corps (temporary lieutenant colonel).
 Maj. Roland Birn, Air Corps (temporary colonel).
 Maj. Stanton Thomas Smith, Air Corps (temporary colonel).
 Maj. Stephen Edward Stancisko, Field Artillery (temporary colonel).
 Maj. Edward Vincent Freeman, Quartermaster Corps (temporary colonel).
 Maj. Norman Crawford Caum, Infantry (temporary lieutenant colonel).
 Maj. Howard James Edmands, Philippine Scouts (temporary lieutenant colonel).

To be first lieutenants with rank from November 18, 1942
 Second Lt. Charles Broderick Huntley, Field Artillery (temporary captain).
 Second Lt. Benjamin Hays Vandervoort, Infantry (temporary captain).
 Second Lt. Elbert Mack Sleeker, Infantry (temporary major).
 Second Lt. Walter Emil Barker, Field Artillery (temporary captain).
 Second Lt. Elbert Emerson Stickels, Infantry (temporary first lieutenant).
 Second Lt. Robert Alan MacGregor, Field Artillery (temporary captain).
 Second Lt. Dean Edgar Painter, Field Artillery (temporary captain).
 Second Lt. Max Lee Pitney, Field Artillery (temporary captain).
 Second Lt. Harry Walter Stephenson, Jr., Infantry (temporary captain).
 Second Lt. Donn Wallace Mall, Infantry (temporary first lieutenant).
 Second Lt. Jacob Shacter, Infantry (temporary captain).
 Second Lt. Cecil Hubbard Strong, Field Artillery (temporary captain).
 Second Lt. Harry Wilhoit Stulting, Infantry (temporary first lieutenant).
 Second Lt. Patrick Boisseau Watson, Infantry (temporary captain).
 Second Lt. Joel McCord Hollis, Infantry (temporary captain).
 Second Lt. Matthew Charles Mautz, Signal Corps (temporary captain).
 Second Lt. Robert Nelson Eddy, Infantry (temporary captain).
 Second Lt. Allen Bennett, Coast Artillery Corps (temporary captain).
 Second Lt. Malcolm Ringen Stotts, Infantry (temporary captain).
 Second Lt. Marvin Arnold Kreidberg, Infantry (temporary captain).
 Second Lt. Robert Lucius Walton, Infantry (temporary captain).
 Second Lt. John Belton O'Connell, Infantry (temporary captain).
 Second Lt. James Wright Williams, Coast Artillery Corps (temporary captain).
 Second Lt. Wilson Maxwell Hawkins, Cavalry (temporary captain).
 Second Lt. Armistead Robison Harper, Cavalry (temporary captain).
 Second Lt. Eugene John White, Cavalry (temporary captain).
 Second Lt. Francis Xavier Bradley, Coast Artillery Corps (temporary major).
 Second Lt. John Ellison Hart, Coast Artillery Corps (temporary first lieutenant).

MEDICAL CORPS *To be captains*

First Lt. Franklin Leo Spann, Medical Corps (temporary captain), with rank from November 1, 1942.
 First Lt. Kermit Hudson Anderson, Medical Corps (temporary major), with rank from November 1, 1942.
 First Lt. Walter Robbins deForest, Medical Corps (temporary major), with rank from November 3, 1942.
 First Lt. Glenn Jesse Collins, Medical Corps (temporary major), with rank from November 8, 1942.
 First Lt. Cannon Armstrong Owen, Medical Corps (temporary captain), with rank from November 8, 1942.
 First Lt. Roger Leslie O'Toole, Medical Corps (temporary major), with rank from November 8, 1942.
 First Lt. William Nelson Piper, Medical Corps (temporary captain), with rank from November 8, 1942.
 First Lt. Madison Aaron Furrh, Medical Corps (temporary captain), with rank from November 8, 1942.
 First Lt. Edward Ross Marshall, Medical Corps (temporary captain), with rank from November 8, 1942.
 First Lt. John Thomas Martin, Medical Corps (temporary major), with rank from November 8, 1942.

First Lt. Frank James Shaffer, Medical Corps (temporary major), with rank from November 8, 1942.

First Lt. Hanes Mathew Fowler, Medical Corps (temporary captain), with rank from November 8, 1942.

First Lt. David Edward Thomas, Medical Corps (temporary major), with rank from November 8, 1942.

First Lt. Otis Whittier Snyder, Medical Corps (temporary major), with rank from November 8, 1942.

First Lt. Beverley Eugene Smith, Medical Corps (temporary captain), with rank from November 8, 1942.

DENTAL CORPS

To be captain

First Lt. Paul Eugene Edson, Dental Corps (temporary major), with rank from November 1, 1942.

First Lt. David Chase Hazard, Dental Corps (temporary captain), with rank from November 1, 1942.

First Lt. Walter Judson Newton, Dental Corps (temporary major), with rank from November 8, 1942.

First Lt. Robert Clay Sample, Dental Corps (temporary captain), with rank from November 17, 1942.

First Lt. James Edward Chipps, Dental Corps (temporary captain), with rank from November 22, 1942.

First Lt. Harold John Malan, Dental Corps (temporary captain), with rank from November 22, 1942.

First Lt. Franklin Smith Lister, Dental Corps (temporary major), with rank from November 22, 1942.

CHAPLAINS

To be captains

Chaplain (First Lt.) Augustine Perry Donnelly, United States Army (temporary major), with rank from November 5, 1942.

Chaplain (First Lt.) Louis James Beasley, United States Army (temporary captain), with rank from November 13, 1942.

Chaplain (First Lt.) Mitchell William Phillips, United States Army (temporary major), with rank from November 13, 1942.

Chaplain (First Lt.) Albin Leonard Fortney, United States Army (temporary captain), with rank from November 20, 1942.

Chaplain (First Lt.) Wallace McDougald Hale, United States Army (temporary captain), with rank from November 20, 1942.

Chaplain (First Lt.) Norman Gregg Long, United States Army (temporary captain), with rank from November 20, 1942.

PROMOTIONS IN THE REGULAR NAVY

The following-named commanders to be captains in the Navy, to rank from the date stated opposite their names:

James M. Steele, April 21, 1942.
Charles P. Cecil, June 30, 1942.
Gilbert C. Hoover, June 30, 1942.
Herbert J. Grassie, June 30, 1942.
Lyman K. Swenson, June 30, 1942.
Henry R. Oster, June 30, 1942.
Albert G. Noble, June 30, 1942.
Andrew G. Shepard, June 30, 1942.
William P. O. Clarke, June 30, 1942.
Nicholas Vytlačil, June 30, 1942.
Carl F. Holden, June 30, 1942.
Proctor M. Thornton, June 30, 1942.

The following-named lieutenant commanders to be commanders in the Navy, to rank from the date stated opposite their names:

Theodore R. Wirth, January 1, 1942.
John H. Shultz, January 1, 1942.
David W. Roberts, January 1, 1942.
John H. Leppert, March 1, 1942.
Anthony L. Danis, March 1, 1942.
Charles C. Phleger, April 1, 1942.
Edward A. Solomons, May 2, 1942.
Herbert S. Duckworth, June 30, 1942.
Cecil C. Adell, June 30, 1942.
Whitaker F. Riggs, Jr., June 30, 1942.
Henry F. MacComsey, June 30, 1942.
Edward H. Pierce, June 30, 1942.

Edward H. Durgin, June 30, 1942.
Leon J. Manees, June 30, 1942.

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the date stated opposite their names:

Eugene B. McKinney, January 1, 1942.
Lucius H. Chappell, January 1, 1942.
Roland F. Pryce, January 1, 1942.
Charles L. Freeman, January 1, 1942.
George L. Heath, January 1, 1942.
Doyle G. Donaho, January 1, 1942.
Joseph B. Maher, January 1, 1942.
Gordon S. Everett, January 1, 1942.
John C. Atkeson, January 1, 1942.
George P. Enright, February 1, 1942.
Rodney B. Lair, February 19, 1942.
John R. Pierce, March 1, 1942.
Robert C. Peden, March 1, 1942.
John T. Bowers, Jr., March 1, 1942.
Hugh R. Nieman, Jr., March 1, 1942.
Daniel J. Wagner, March 1, 1942.
Robert J. Archer, April 1, 1942.
Idris B. Monahan, April 1, 1942.
George Fritschmann, May 9, 1942.
John K. McCue, June 1, 1942.
Leonard F. Freiburghouse, June 30, 1942.
John L. Collis, June 30, 1942.
Marcel R. Gerin, June 30, 1942.
Jesse J. Underhill, June 30, 1942.
Philip D. Gallery, June 30, 1942.
Stephen N. Tackney, June 30, 1942.
John A. Williams, June 30, 1942.
William F. Raborn, Jr., June 30, 1942.
Robert T. S. Keith, June 30, 1942.
Robert W. Wood, June 30, 1942.
John A. Scott, June 30, 1942.
Corben C. Shute, June 30, 1942.
Herbert J. Hiemenz, June 30, 1942.
Earl A. Junghans, June 30, 1942.
Gerald L. Huff, June 30, 1942.
Elliott W. Parish, Jr., June 30, 1942.
Caleb B. Laning, June 30, 1942.
Paul Foley, Jr., June 30, 1942.
Francis R. Duborg, June 30, 1942.
Williston L. Dye, June 30, 1942.
William H. McClure, June 30, 1942.
George W. Ashford, June 30, 1942.
Albert C. Perkins, June 30, 1942.
Ralph C. Lynch, Jr., June 30, 1942.
Edward C. Folger, Jr., June 30, 1942.
Herman L. Ray, June 30, 1942.
Lamar P. Carver, June 30, 1942.
Oliver G. Kirk, June 30, 1942.
Roy Jackson, June 30, 1942.
Arthur S. Hill, June 30, 1942.
John F. Davidson, June 30, 1942.
Charles O. Triebel, June 30, 1942.
Edward R. Hannon, June 30, 1942.
Reynold D. Hogle, June 30, 1942.
Frank B. Stephens, June 30, 1942.
Goldsborough S. Patrick, June 30, 1942.
John R. Yoho, June 30, 1942.
George F. Beardsley, June 30, 1942.
Richard R. Bellinger, June 30, 1942.
Charles H. Crichton, June 30, 1942.
James H. Mills, Jr., June 30, 1942.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the date stated opposite their names:

Albert M. Bontier, December 8, 1941.
Thomas H. Henry, December 16, 1941.
John J. Foote, January 1, 1942.
Vincent A. Sisler, Jr., January 1, 1942.
Cassius D. Rhymes, Jr., January 1, 1942.
George Hutchinson, January 1, 1942.
Gordon E. Schechter, January 1, 1942.
Frank K. B. Wheeler, January 1, 1942.
Grafton B. Campbell, January 1, 1942.
Henry C. Gearing, 3d, January 1, 1942.
Joe R. Penland, January 1, 1942.
Robert W. Jackson, January 1, 1942.
Richard G. Jack, January 1, 1942.
John D. Stevens, January 1, 1942.
William F. McLaren, January 1, 1942.
William J. Germershausen, Jr., January 1, 1942.
Walker A. Settle, Jr., January 1, 1942.
Peter F. Boyle, January 1, 1942.
Richard D. Stephenson, January 1, 1942.
Robert A. Phillips, January 1, 1942.
Martin T. Hatcher, January 1, 1942.

Everett H. Steinmetz, January 1, 1942.
Burris D. Wood, Jr., January 1, 1942.
John T. Probasco, January 1, 1942.
Robert H. Holmes, January 1, 1942.
Arthur T. Decker, January 1, 1942.
Edwin B. Parker, Jr., January 1, 1942.
William A. Sullivan, January 1, 1942.
LeRoy T. Taylor, January 1, 1942.
Mark Eslick, Jr., January 1, 1942.
James W. Whaley, January 1, 1942.
Benjamin L. E. Talman, January 1, 1942.
Dale E. Cockran, January 1, 1942.
James H. Mini, January 1, 1942.
Bladen D. Claggett, January 1, 1942.
John H. Theis, January 1, 1942.
Richard E. Babb, January 1, 1942.
Charles W. Consolvo, January 1, 1942.
Groome E. Marcus, Jr., January 1, 1942.
Nicholas G. Doukas, January 1, 1942.
Wilson G. Reiffenrath, January 1, 1942.
Edward D. Robertson, January 1, 1942.
Wyman H. Packard, January 1, 1942.
Clyde H. McCroskey, Jr., January 1, 1942.
Arthur A. Glesser, January 1, 1942.
Richard H. Burns, January 1, 1942.
Joseph E. Dougherty, January 1, 1942.
Doyen Klein, January 1, 1942.
Richard McGowan, January 1, 1942.
Albert H. Bowker, January 1, 1942.
William E. Gaillard, January 1, 1942.
Arnold H. Newcomb, January 1, 1942.
Edward C. Outlaw, January 1, 1942.
Edward W. Bridewell, January 1, 1942.
Charles H. Turner, January 1, 1942.
Frederic W. Kinsley, January 1, 1942.
William T. Samuels, January 1, 1942.
Kerfoot B. Smith, January 1, 1942.
James T. Moynahan, January 1, 1942.
Clarence M. White, Jr., January 1, 1942.
Seth S. Searcy, Jr., January 1, 1942.
James A. Brown, January 1, 1942.
Allan P. Fleming, January 1, 1942.
Frederic A. Chenault, January 1, 1942.
John B. Rawlings, January 1, 1942.
Robert E. Odening, January 1, 1942.
Alexander K. Tyree, January 1, 1942.
Frank G. Springer, January 1, 1942.
William B. Thomas, January 1, 1942.
Robert A. Thacher, January 1, 1942.
William N. Price, January 1, 1942.
John D. Blitch, January 1, 1942.
John M. Alford, January 1, 1942.
Raymond W. Vogel, Jr., January 1, 1942.
Carl H. Amme, Jr., January 1, 1942.
Willard M. Hanger, January 1, 1942.
Clinton McKellar, Jr., January 1, 1942.
William T. Groner, January 1, 1942.
James L. Semmes, January 1, 1942.
John P. Preston, January 1, 1942.
Harlan R. Dickson, January 1, 1942.
Allen R. Faust, February 1, 1942.
Jonathan L. W. Woodville, Jr., February 1, 1942.
Dayton A. Seller, February 5, 1942.
Sydney R. Miller, Jr., February 19, 1942.
Thomas S. King, Jr., March 1, 1942.
Sydney S. Sherby, March 1, 1942.
William Blenman, March 1, 1942.
Walter B. Bayless, March 20, 1942.
Richard R. Bradley, Jr., April 1, 1942.

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the date stated opposite their names:

Philip F. Bankhardt, June 1, 1942.
William O. Carlson, June 1, 1942.
John R. Mackroth, June 1, 1942.
John N. West, June 1, 1942.
Howard L. Johnson, June 1, 1942.
Charles E. Ingalls, Jr., June 1, 1942.
Wilbur J. Wehmeyer, June 1, 1942.
Mervin J. Berg, June 1, 1942.
Morris R. Doughty, June 1, 1942.
Richard LeR. Summers, June 1, 1942.
DeVon McC. Hizer, June 1, 1942.
Leslie A. Pew, June 1, 1942.
Glen B. Butler, June 1, 1942.
Donald Furlong, June 1, 1942.
John M. Reigart, June 1, 1942.
Frank W. Vannoy, June 1, 1942.
William G. Hawthorne, Jr., June 1, 1942.
Frederic A. Hooper, June 1, 1942.

Hubert E. Carter, June 1, 1942.
James A. Dare, June 1, 1942.
George B. Cattermole, June 1, 1942.
Fred W. Kittler, June 1, 1942.

Medical Director Edgar L. Woods to be a medical director in the Navy, with the rank of rear admiral, to rank from the 1st day of March 1937.

Medical Inspector Wendell H. Perry to be a medical director in the Navy, with the rank of captain, to rank from the 30th day of June 1942.

Surgeon Harold O. Cozby to be a medical inspector in the Navy, with the rank of commander, to rank from the 30th day of June 1942.

The following-named passed assistant surgeons to be surgeons in the Navy, with the rank of lieutenant commander, to rank from the date stated opposite their names:

Charles L. Ferguson, January 1, 1942.
Cecil H. Coggins, January 1, 1942.
Robert W. Babbione, January 1, 1942.
Frank P. Kreuz, Jr., January 1, 1942.
James R. Reid, Jr., January 1, 1942.
Austin J. Walter, January 1, 1942.
Albert H. Staderman, January 1, 1942.
Paul M. Crossland, January 1, 1942.
Alton C. Abernethy, January 1, 1942.
Walter H. Schwartz, January 1, 1942.
Armand J. Pereyra, January 1, 1942.
William V. Clark, January 1, 1942.
John T. Smith, January 1, 1942.
Oran W. Chenault, January 1, 1942.
David C. Gaede, January 1, 1942.
Jerry T. Miser, January 1, 1942.
Phillip S. McLennan, January 1, 1942.
Edwin B. Coyl, January 1, 1942.
Thomas L. Allman, January 1, 1942.
Elmer L. Caveny, January 1, 1942.
Gordon H. Ekblad, January 1, 1942.
Ernest C. Aulls, January 1, 1942.
Julius C. Early, Jr., January 1, 1942.
Clark G. Grazier, June 30, 1942.
John M. Wheelis, Jr., June 30, 1942.
William L. Engelman, June 30, 1942.
Robert L. Ware, June 30, 1942.
Robert A. Bell, June 30, 1942.
Murphy K. Cureton, June 30, 1942.
Alvin J. Cerny, June 30, 1942.
George B. Ribble, June 30, 1942.
Langdon C. Newman, June 30, 1942.
Victor G. Colvin, June 30, 1942.
Fitz-John Weddell, Jr., June 30, 1942.
Leslie D. Ekvall, June 30, 1942.
Benjamin G. Feen, June 30, 1942.
Lawrence E. Bach, June 30, 1942.
John H. Ward, Jr., June 30, 1942.
Thomas L. Willmon, June 30, 1942.
Francis K. Smith, June 30, 1942.
James B. Butler, June 30, 1942.
Andrew Galloway, June 30, 1942.
Erwin H. Osterloh, June 30, 1942.
Charles D. Bell, June 30, 1942.
Paul M. Hoot, June 30, 1942.
Morris M. Rubin, June 30, 1942.
Louis M. Harris, June 30, 1942.
Charles R. Moon, June 30, 1942.
Alton R. Higgins, June 30, 1942.
David H. Davis, June 30, 1942.
Lewis T. Dorgan, June 30, 1942.
Richard S. Silvis, June 30, 1942.
Oscar Schneider, June 30, 1942.
Julian M. Jordan, June 30, 1942.

The following-named assistant surgeons to be passed assistant surgeons in the Navy, with the rank of lieutenant, to rank from the 1st day of January 1942:

Eldon C. Olson
Robert E. Bruner
Boris Schuster
Ralph B. Berry
Joseph J. Zuska
Felix H. Ocko
Jacque E. Miller
Ronald B. Frankbner
Robert B. Jamieson, Jr.
Robert B. Johnson
William S. Wray
Thomas M. Foley, Jr.

George L. Calvy
Joseph J. Blanch
Joseph L. Yon
Derrick C. Turnipseed
William W. Ayres
Bruno O. Junnilla
Paul J. Ritchie
James A. Grindell
John D. Walters
Marcellus C. Shurtleff
Edward F. Slosek
Jesse F. Richardson

Lamar B. Harper
Arthur J. Vandergrind
Joseph M. Picciocchi
Norman L. Barr
Robert H. Mershon
Frederic G. Hirsch
George W. Mast
Emmett F. Norwood

Walter F. Berberich
Shirley A. Fuhring
Robert G. Gilbert
Nicholas M. Musso
Leslie G. Seebach
John T. Cangelosi
Wallace E. Allen
Lewis S. Sims, Jr.

The following-named passed assistant dental surgeons to be dental surgeons in the Navy, with the rank of lieutenant commander, to rank from the date stated opposite their names:

Curtiss W. Schantz, January 1, 1942.
Charles F. Lynch, January 1, 1942.
Mack Meradith, January 1, 1942.
William D. F. Stagner, January 1, 1942.
Robert W. Wheelock, June 30, 1942.
Paul M. Carbiener, June 30, 1942.
Richard H. Barrett, Jr., June 30, 1942.

The following-named assistant dental surgeons to be passed assistant dental surgeons in the Navy, with the rank of lieutenant, to rank from the 1st day of January 1942:

Dewey D. Jackson
Charles J. Schork
Albert T. Smith

John C. Farquhar
Paul L. Brandt
William R. Franklin

The following-named pay inspectors to be pay directors in the Navy, with the rank of captain, to rank from the 30th day of June 1942:

Carlton R. Eagle
Wilson S. Hullfish

Thomas E. Hipp
James D. Boyle

The following-named paymasters to be pay inspectors in the Navy, with the rank of commander, to rank from the 30th day of June 1942:

Walter E. Gist
Ralph J. Arnold
Reed T. Roberts

The following-named passed assistant paymasters to be paymasters in the Navy, with the rank of lieutenant commander, to rank from the 30th day of June 1942:

James S. Blerer
Allan McL. Gray
Milton C. Dickinson

The following-named assistant paymasters to be passed assistant paymasters in the Navy, with the rank of lieutenant, to rank from the date stated opposite their names:

Stephen Sherwood, January 1, 1942.
Charles S. Sharrocks, January 1, 1942.
Charles H. McCarthy, Jr., January 1, 1942.
Stanton M. Trott, January 1, 1942.
Charles K. Phillips, February 20, 1942.
Allen B. Reed, Jr., March 25, 1942.

The following-named acting chaplains to be chaplains in the Navy, with the rank of lieutenant, to rank from the 1st day January 1942:

Francis A. Burke
Walter A. Mahler

The following-named captains to be rear admirals in the Navy, to rank from the date stated opposite their names:

Patrick N. L. Bellinger, November 1, 1941.
William R. Purnell, March 1, 1942.
Donald B. Beary, June 30, 1942.

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the date stated opposite their names:

Monro M. Riker, December 8, 1941.
Marvin G. Kennedy, June 30, 1942.

The following-named dental surgeons to be dental surgeons in the Navy, with the rank of captain, to rank from the 30th day of June 1942:

Francis G. Ulen
Henry R. Delaney

David L. Cohen
Harry L. Kalen

Dental Surg. Daniel W. Ryan to be a dental surgeon in the Navy, with the rank of commander, to rank from the 30th day of June 1942.

The following-named passed assistant dental surgeons to be dental surgeons in the Navy, with the rank of lieutenant commander, to rank from the date stated opposite their names:

Francis V. Lydon, January 1, 1942.
George N. Crosland, June 30, 1942.

Adolph W. Borsum, June 30, 1942.
William D. Bryan, June 30, 1942.

The following-named assistant dental surgeons to be passed assistant dental surgeons in the Navy, with the rank of lieutenant, to rank from the 1st day of January 1942:

August Bartelle
Edmund E. Jeansonne
William D. Owen

Assistant Paymaster Earl E. Carlsten to be an ensign in the line of the Navy, to rank from the 1st day of June 1939.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 19 (legislative day of October 15), 1942:

POSTMASTERS

KENTUCKY

William L. Dawson, Jr., La Grange.

LOUISIANA

Edith A. Gordy, Wisner.

MICHIGAN

Kenneth L. Martin, Bloomfield Hills.

NEW JERSEY

Viola J. Kearns, Netcong.

OHIO

Charles R. Gampher, Jr., Rossford.

HOUSE OF REPRESENTATIVES

MONDAY, OCTOBER 19, 1942

The House met at 12 o'clock noon and was called to order by the Speaker.

The Reverend Edward G. Latch, Metropolitan Memorial Methodist Church, Washington, D. C., offered the following prayer:

Almighty and Eternal God, in whose hand are all the nations of the earth, and who hast given us this good land for our heritage, we pray for our country. Humbly we beseech Thee to make of us a people worthy of Thy favor, deserving of Thy mercy, and glad to do Thy will.

Pour out Thine abundant blessing upon us the leaders of our Nation. We need Thy guidance. We need the wisdom that comes from Thee. May we truly be Thy servants, eager to do Thy will and ready to obey Thy voice.

Take from us all pride and greed and injustice. Grant unto us the spirit of unselfish service which alone can make us great. Keep in our hearts a spirit of devotion to the public good and keep from our hearts a desire for the public goods, that truth and righteousness and good will may be exalted in our land and in all lands.

We remember before Thee all those engaged in the defense of our country. Preserve their lives and keep them clean in mind and spirit. Comfort the sorrowing. Strengthen the weak. And hasten the day when peace shall come in the hearts of all men, we pray in the name of Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, October 17, 1942, was read and approved.

HOURLY MEETING

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the